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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

AUSTRIA*

[6 August 1993]

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* The second periodic report submitted by the Government of Austria concerning rights covered by articles 10 to 12 of the Covenant (E/1986/4/Add.8 and Corr.1) was considered by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights (see E/1986/WG.1/SR.4 and 7). This report therefore relates to the rights covered by articles 6 to 9 and 13 to 15 of the Covenant.

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* Available in the archives of the Centre for Human Rights.

PART A

Article 1

1. At the beginning of 1918 the President of the United States, Mr. Wilson, enunciated his famous 14-point programme, based on the principle of the right of self-determination of peoples, which was to serve as a basis for the conclusion of peace after the First World War. These principles were recognized by Austria-Hungary in its request for an armistice at the beginning of October 1918, as a basis for the subsequent peace settlement. Likewise, the Imperial Manifesto of 16 October 1918, which sought to convert the monarchy into a federal State, was based on the right of self-determination of peoples.

2. Following the fragmentation of the Austro-Hungarian monarchy, the different peoples established their own political institutions. The German-speaking members of Parliament formed a provisional National Assembly and on 12 November 1918 decided to establish a new independent State to be known as the 'German Republic of Austria". At the same time the new State declared its attachment to the German Reich. In the name of the right of self-determination of peoples it claimed all the territories inhabited by German-speaking peoples within the dismembered Austro-Hungarian monarchy. In territories the attachment of which to one of the newly-created States was disputed, plebiscites were to be held and the peoples of the territory concerned were to decide to which of the successor States it should be attached.

3. Under the peace treaty concluded at Saint-Germain the territories in Bohemia and Moravia inhabited by German-peaking peoples were awarded to Czechoslovakia and those in South Tyrol with a German-speaking population to Italy. A region inhabited by German speakers in Western Hungary (today known as Burgenland) was to be attached to Austria, and a plebiscite was to be organized for the disputed territory of Southern Carinthia. The plebiscite was held on 10 October 1920, and the majority of the population voted for attachment to Austria.

4. The Treaty of Saint-Germain made the proposed union with Germany subject to the approval of the Council of the League of Nations, i.e., to the consent of the allied and associated powers. It also debarred Austria from taking the name of "German Austria": consequently in October 1919 it was given the name of "Republic of Austria".

5. The problem of the detachment of Burgenland from Hungary could not be settled until the end of 1921. The territory was ceded to Austria, but under an agreement between Austria and Hungary a plebiscite was organized in the region of the town of Ödenburg (Sopron), where the population expressed a preference for remaining in Hungary. In this way the territorial boundaries of Austria as it exists today were established.

6. In 1938 Austria was occupied by Nazi Germany under Hitler. After the end of the Second World War, Austria was restored within its former territorial boundaries but under the occupation of the four victorious Powers. Not until 1955 - 10 years after the end of the Second World War - following

long negotiations between Austria and the four Powers, was Austria's sovereignty fully restored by the State Treaty for the re-establishment of an independent and democratic Austria, dated 15 May 1955. In article 1 of this Treaty the allied and associated powers recognized the re-establishment of Austria as a sovereign, independent and democratic State. They also expressed their intention of respecting the country's independence and territorial integrity.

Article 2

7. The relevant statutory provisions laying down detailed rules relating to the rights proclaimed in the International Covenant on Economic, Social and Cultural Rights are without exception drafted in such a way as to make no distinction between nationals and non-nationals. For example, article 1, paragraph 1, of the Protection of Workers' Act reads as follows:

> "The provisions of the present federal Act shall govern the protection of the lives and health of workers in the performance of their occupational activities and, bearing in mind the age and sex of workers, the protection of public morals within the framework of that activity."

It is clear from this text that no distinction is made between nationals and non-nationals.

PART B

Article 6

8. The statistical data contained in annexes 1 to 9 give an idea of the employment and unemployment situation.

9. In 1990 the number of unemployed persons was 16,000 (11.11 per cent) higher than during the previous year. The increase was greater among women (+ 12.6 per cent) than among men (+ 9.9 per cent). The year 1990 saw a continuation of the tendency for unemployment to rise more sharply among women than among men which had first become apparent in 1984; thus the percentage of women in the total number of unemployed persons increased by 0.6 per cent to 46.3 per cent.

10. The overall rate of unemployment stood at 5.4 per cent in 1990; the rate of employment among women stood at 6 per cent, that for Austrian women at 5 per cent and that for women of other nationalities at 6 per cent. The rate of unemployment among Austrian women increased by 0.4 per cent and that among women of other nationalities by 1.7 per cent; the overall rate of unemployment among women rose by 0.5 per cent.

11. Twenty-three per cent of all unemployed persons were under age 25, 61.6 per cent between ages 25 and 49, and 15.5 per cent were aged 50 or over.

12. The increase in unemployment was greatest among persons over 50 years of age (+ 27.6 per cent) and lowest among persons under age 25 (+ 5.5 per cent). These figures show a continuation of a trend which has been visible for some time.

13. Nearly half (48.2 per cent) of all persons registered as unemployed had certificates of completion of compulsory schooling or less; 36 per cent had completed an apprenticeships or obtained master craftsman status; 6 per cent had completed middle-school education; another 6 per cent had completed secondary education; and 2.7 per cent had completed higher education courses. The general picture is clear: the lower the level of qualification, the higher the rate of unemployment.

14. As regards the distribution of unemployment by occupational sector, almost two thirds of all the persons unemployed belonged to one of six occupational groups. The group with the highest number of unemployed persons (22,300) comprised general administration and office work and work in hotels and restaurants; this group was followed by the building sector, the metal trades, work in commerce and, lastly, assistants generally. In 1990 there were in all 110,300 unemployed persons in the six groups.

15. The Constitution guarantees two rights of primary importance in the field of employment, namely the freedom of choice of occupation and freedom to carry on occupational activity. Article 18 of the Constitution, relating to general rights, states that "Every person is free to choose his occupation and to train for it in any way and in any place he wishes", while article 6 states that every citizen may "engage in any branch of activity under the conditions laid down by law".

Employment of foreign labour

16. At the beginning of 1990 the potential of foreign nationals in the labour force - rose by 92,800 to 288,100 - an increase of 47.6 per cent over the figure for 1989. Over 1990 as a whole the foreign labour force potential averaged 236,000 persons, or approximately 58,000 (32.6 per cent) more than during the previous year. Nearly four fifths of them came from the traditional countries of origin of foreign labour - the former Yugoslavia, Turkey and the Federal Republic of Germany.

17. The number of foreign wage and salary earners (men and women together) increased by approximately 50,200 (30 per cent) to reach a level of 217,600 - a level close to the record level reached in 1973. The average percentage of foreign workers in the labour force as a whole over the year has increased from 5.8 per cent in 1989 to 7.4 per cent.

18. Of a total of 217,600 foreign employees, 141,200 were men and 76,400 women. The increase over the previous year was greater among men (approximately 38,000 persons, or 36.9 per cent) than among women (+ 12,200, or 19 per cent). Thus, notwithstanding an increase in the numbers of women employed, the proportion of women fell from 38.4 per cent to 35.1 per cent, or over 6 per cent below the percentage of women in the Austrian labour force as a whole.

19. An examination of the situation Land (province) by Land reveals that in 1990 over half of all foreign workers (men and women) were registered in Vienna (the capital city), Lower Austria and Burgenland. However, only about half of the increase in employment occurred in these regions. Only about one fifth of the increase occurred in Salzburg, Tyrol and Vorarlberg, where

approximately one quarter of the foreign labour force is employed. Styria, Carinthia and Upper Austria only employ about one fifth of the foreign labour force but accounted for approximately one third of the increase. In Carinthia the percentage increase was slightly higher than that for the labour force as a whole, whereas in Upper Austria and Styria the percentage increases were significantly higher.

Employment of women

20. The traditional patterns of sex-based segregation in the employment market changed but little during the 1980s notwithstanding an increase in the rate of employment among women and specific employment policy measures designed to benefit women. As in the past, women engaging in occupational activity are concentrated in a limited number of sectors, in which they are overrepresented. The proportion of women exceeds 90 per cent in the "household activities" sector, over 70 per cent in the groups of activities classified as "health and care" and "care of the body, cleaning, funeral services", approximately 60 per cent in the hotel and restaurant and commerce and warehousing sectors and over 80 per cent in garment manufacturing. This concentration has a considerable impact on the situation with regard to remuneration. Segregation in the employment market also means that the performance by men and women of "equal work" as defined by law is rare.

21. The data on incomes covering the last 10 years or so show that income differentials between the sexes have remained more or less unchanged. The average net incomes of men, calculated on the basis of a 40-hour week, were 21 per cent higher than those of women calculated on the same basis, notwithstanding the increase in the numbers of women employed and the improvement in their levels of skill and qualification. Among manual workers the differential is 35 per cent in favour of men; among salaried employees it is 38 per cent and in the public service 7 per cent. The disparities of income between the sexes are partly due to differences in the distribution of men and women by level of occupational qualification or skill; but even where these are identical women are at a considerable disadvantage from the standpoint of earnings. For instance, in the category of skilled manual workers men earn 42 per cent more than women, while among salaried employees men earn approximately one fifth more than women at the majority of skill levels. In the public service the group of women most disadvantaged is made up of those in the higher administrative posts or in posts requiring high levels of qualification; in these groups the differentials in favour of men may be as high as 28 per cent.

22. A study of occupational activities performed in relation to schooling received reveals the existence of different classifications of men and women which have an impact on earnings levels. Where women and men with the same levels of school education are employed within a company, the women are placed at significantly lower levels in the chain of command than men and receive lower remuneration. In view of the close relationships between occupational ranking and earnings levels, sex-specific differences in opportunities for admission to employment and career development give rise to additional disadvantages for women from the earnings standpoint. In fact, the numbers of women in posts carrying managerial responsibility, both in industry and in the public service, is so small as to be negligible for statistical purposes.

23. In 1979 Parliament (the National Council) adopted the federal Act concerning equality of treatment of men and women in occupational matters (the Equality of Treatment Act). This Act begins by stipulating that no person may be discriminated against on grounds of sex in employment-related matters, particularly with regard to recruitment, remuneration, voluntarily awarded social benefits, basic and further training at the level of the enterprise, career development (and particularly promotion), other working conditions or termination of employment. In this context any differentiation of a prejudicial character without any objective justification is deemed to be discrimination. Temporary special measures aimed at accelerating de facto equality between men and women, within the meaning of article 4 of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, are not deemed to be discriminatory. The Act empowers the federal authorities to grant subsidies to employers to facilitate the introduction of such measures.

24. As regards the legal consequences of a breach of the principle of equality of treatment, it should be noted that where a contract of employment is not concluded on account of a breach of that principle for which the employer bears responsibility, the latter is required to compensate the prejudice suffered by the person concerned arising from the fact that he or she could believe in good faith that such a breach would not occur and that the contract would be concluded. In addition, if an employee is receiving a remuneration lower than that of a person of the opposite sex in breach of the principle of equality of treatment, the employee is entitled to require the employer to make up the difference. A breach of the principle of equality of treatment with regard to voluntarily awarded social benefits entitles the employee concerned to receive that benefit. Breaches of the principle of equality of treatment with regard to basic and further training facilities within the enterprise entitle the employees concerned to be given access to the facilities in question on request. Where a breach of the principle occurs in relation to promotion, the employer is required to compensate the prejudice suffered by the employee owing to the fact that he or she could have believed in good faith that the withholding of promotion would not be based on such a breach. As regards other conditions of employment, a breach of the principle of equality of treatment entitles the person concerned to enjoy those conditions of employment. Finally, where a breach of the principle occurs in relation to termination of employment, the termination or dismissal may be challenged in the courts.

25. A worker alleging discrimination must adduce proof thereof. His claim may be rejected if, after all the elements of the case have been evaluated, it appears more likely that the decisive factor giving rise to the difference in treatment was some other factor the credibility of which has been established by the employer, or that being of the opposite sex is an essential condition for the performance of that activity.

26. Decisions on whether breaches of the principle of equality of treatment have taken place lie with the courts.

27. There are several aspects to discrimination against women at workplaces. First of all, the tendency to attach a relatively low value to jobs performed by women must be mentioned. There are many reasons for the existence for this

tendency. Evaluations are based on long-standing traditions; and in addition economic considerations, such as the maintenance of existing wage and salary patterns and low-paid jobs, also play a part. If equal pay is to be granted for equal or equivalent work, the question will always arise of what criteria should be used to determine objectively what is equal or equivalent work.

28. Detailed information concerning the Equality of Treatment Act will be found in the Austrian Government's reports on ILO Convention No. 111 (articles 1 and 2).

29. There are differences based on sex in the regulations governing conditions of work. They take the form of a prohibition of night work for women, which is found in article 3 of the Night Work for Women Act and in article 9 of the Work in Bakeries Act. In principle the employment of women is prohibited during an 11-hour period including the period between 8 p.m. and 6 a.m. on the following day in enterprises and the period between 8 p.m. and 5 a.m. on the following day in bakeries. Recently the prohibition of night work for women has formed the subject of controversy on both the legal and political planes; among other things, it has been criticized as discriminating against women in that it prevents them from taking advantage of the same earning opportunities as men and from organizing their working time as they themselves wish. As against this, it has been pointed out that these special regulations concerning women, which have always formed an important part of employment legislation, are based on the need to protect women engaged in gainful activity from a double burden. Although the principle of partnership is well established in family law, it is still primarily women who bear the burden of household management and bring up children, and consequently they are subject to greater pressures to accept night work, since the latter leaves them free to spend the daytime in the performance of their household tasks. The prohibition of night work for women also reflects a concern to give special protection to workers against the recognizedly harmful effects of night work on health.

30. Moreover, the prohibition of night work for women does not apply in certain occupations and branches of activity, and in particular in health and education, the cultural sector, telephone services and cleaning work. The prohibition has been relaxed in these sectors not only in the interests of the enterprises concerned and of the public but also in response to a desire to safeguard career opportunities for women.

31. It should be mentioned in this connection that in a decision dated 30 June 1988 the Constitutional Court examined the prohibition of night work for women from the standpoint of equality of treatment. Its observations included the following:

> "It may be wondered whether a prohibition of night work specifically for women can be justified without any consideration of the degree of arduousness of the work being performed. Night work indubitably has harmful effects. But it has not been clearly established whether night work as such has more harmful effects on women than on men. At the very least it must be recognized that there are also serious objections to such a restriction on the occupational activity of women. On the other hand, in view of the current employment market situation, women are often

(still) subjected to special pressures to accept night work since it enables them to attend to their household tasks during the day. The relevant international conventions, ranging from the Berne Convention of 1906 to ILO Convention No. 4 adopted in 1948, show that the bodies concerned have considered, and still do consider, that the prohibition of night work is an urgent and necessary measure to protect women against the undesirable effects of economic constraints. The primary task of the legislature here is to weigh the advantages of that protection against the prejudicial effects of the prohibition. In doing so it may take into consideration such factors as the existence of international conventions and the possible consequences of their non-implementation or denunciation, bearing also in mind the efforts being made on the international plane with a view to improving the protection of workers in other countries. Thus to take account of the internationally recognized need to protect women is not to be lacking in objectivity.

"From this standpoint article 9 of the Work in Bakeries Act does not constitute a breach of the principle of equality. Thus the disadvantages to which the appellant refers must be accepted in the interests of protection against other greater and more dangerous disadvantages, even though those disadvantages may not occur in this particular case. Nor can one interpret an international convention, which the appellant quotes in support of his viewpoint and which stresses freedom to work and freedom of choice of occupation as well as equality of treatment, in a sense incompatible with ILO Convention No. 89."

32. Frequently the occupations mainly employing women offer little in the way of typical working hours. Where hours of work in the enterprise are set in an unfavourable fashion, or where women employees cannot adjust their working time, it is more difficult for women to exercise an occupation, and one cannot speak of the existence of equality of opportunity. From the socio-economic surveys on working hours conducted in 1987 it is clear that the occupations with the lowest percentages of typical working hours are precisely those in which women predominate. For instance, less than 10 per cent of waitresses and women cooks and only 12 per cent of women in trade and saleswomen, 14 per cent of women engaged in hotel and restaurant work and providing domestic help, 17 per cent of medical auxiliaries, 19 per cent of women in health care occupations and 26 per cent of women engaged in cleaning work enjoy typical working hours, the latter being defined as a working week of between 36 and 40 hours and not including any of the following: work on Saturdays or Sundays; work between 10 p.m. and 6 a.m. on the following day; and alternating or rotating shift work.

Overtime

33. In the course of the 1987 socio-economic surveys of working hours, some 400,000 male wage and salary-earners (23.4 per cent of all employed males) and 125,000 female wage and salary-earners (11.7 per cent of all employed females) stated that they worked overtime "regularly". Among manual workers, 9.4 per cent of men and 18.9 per cent of women worked overtime regularly; the highest proportion (24.3 per cent) was found among male semi-skilled workers. Among salaried employees, 12.7 per cent of women and 34.3 per cent of men worked overtime regularly. Within this group, the

proportion of both men and women working overtime regularly increased directly with their respective levels of qualification. Regular overtime is particularly frequent in the service sector. The hotels and restaurants sector, where 42.3 per cent of men and 29.7 per cent of women work overtime regularly, stands well in the lead in this regard. Approximately three quarters of the men, and 63 per cent of the women, who work overtime receive overtime pay; 16 per cent of the men and a quarter of the women receive compensatory time off; and 6.5 per cent of the men and 9.6 per cent of the women stated that they worked overtime without receiving either overtime pay or compensatory time off. The proportion of women manual workers working unpaid overtime is particularly high (about one seventh; for male manual workers it is of the order of 3 per cent). Among salaried employees and public service employees the differences between the sexes are small. One factor which has a decisive influence in relation to payment for overtime is the size of the enterprise concerned. In small enterprises employing four persons or less, 17 per cent of women and 15.5 per cent of men work unpaid overtime; the proportions fall as the size of the enterprise concerned increases.

Article 7

34. The central instruments of wages policy in Austria are the collective agreements concluded between the autonomous interest groups of wage and salary earners (trade unions) and employers. Detailed regulations exist specifying who may conclude collective agreements and defining the permissible contents thereof (principally the regulation of conditions of work, and consequently all questions relating to remuneration), their effects, the scope of their application and their publication.

35. Collective agreements may be concluded by interest groups of wage and salary earners and of employers as defined by law or between occupational associations whose membership is of a voluntary character (trade unions and associations of employers), provided that their capacity to enter into collective agreements has been recognized by administrative decision. Collective agreements have the force of regulations, and consequently the provisions they contain on remuneration and employment are directly applicable to every employment contract. Since they are also binding on third parties, collective agreements also apply to wage and salary earners employed by an employer who is a party to a collective agreement even though they are not members of the union which concluded that agreement on behalf of the workers. To cover employment situations to which no collective agreement applies - which are only found in tiny, marginal segments of the private sector - the Austrian legal system provides for measures whereby minimum remuneration levels can be set.

36. Where the conclusion of a collective agreement in a particular sector is impossible because there is nobody on the employers' side with the capacity to conclude one, the public authorities may, at the request of the workers' organization, lay down minimum wage and salary scales based on remuneration levels in a similar branch of the economy. As the public authorities have the power to give collective agreements the force of regulations, they can extend the scope of application of a collective agreement which has acquired predominant importance to cover similar employment situations. For example, the field of application of a collective agreement entered into by a voluntary

occupational association on the employer's side may be extended to activities in which the employer is not a member of the association concerned.

37. The remuneration of officials of the federal, Land and municipal governments is fixed by law.

38. In the rare cases in which there are no levels of remuneration fixed by collective agreement, by an administrative authority or by law, the employer is required to pay the worker an adequate wage or salary, bearing in mind the level of remuneration established by local custom in the sector concerned.

39. No departure may be validly made from the minimum remuneration fixed by collective agreement, the law or administrative authorities save by individual contract and to the advantage of the worker. In other words, remuneration may never be less than the minimum fixed.

40. Competence to hear claims relating to remuneration from all workers (other than public officials) lies with the courts.

41. In determining the amounts of wage demands the unions take into consideration the increase in the cost of living (i.e. the rate of inflation and the consumer price index), trends in productivity and the economic situation of the branch concerned. They also take into account general wage movements in the economy as a whole.

42. In Austria the amount of the wage or salary to be paid by an employer is a function of the labour supplied by the employee; it does not depend on the size of the employee's family. However, the State, through taxation measures and by means of the Family Expenditure Equalization Fund, has taken care to ensure that the income of a worker who is a parent increases with the number of his or her children.

43. The period of validity of a collective agreement is generally 12 to 14 months; this ensures that wages and salaries are rapidly adjusted to changing economic conditions. Bargaining in the different branches of the economy takes place mainly in the spring and in the autumn.

44. In most enterprises there is a works committee whose tasks include monitoring the enforcement of the legal provisions affecting workers, and, consequently, the implementation of collective agreements as well.

45. Figures showing trends in earnings will be found in annexes 10 to 12.

The protection of workers

46. The principal requirements concerning the protection of workers on the technical plane and relating to occupational health are laid down in the Protection of Workers Act. This Act is applicable in enterprises and at outdoor worksites. It contains provisions on workrooms and other premises in enterprises, plant and other equipment within enterprises, the organization of working methods and processes, the physical fitness and the health of workers, individual protective equipment, fire prevention, first aid, sanitary installations, facilities for rest breaks, living quarters and lodgings. It also contains provisions concerning the appointment of safety delegates, the provision of medical care by factory doctors and the establishment of

technical safety services in enterprises. The use of certain devices, raw materials and equipment, and certain types of activity, of a nature to place the lives and health of workers at risk are subject to authorization. In certain circumstances the employment of workers must be prohibited, either for a set period or permanently.

47. The regulations concerning workers' protection are directed at employers; the latter are required to comply even if they have not been specifically requested to do so.

48. Enforcement of these regulations is the responsibility of the labour inspectorate. In the Vienna region there are 19 labour inspection services, each competent for a particular area, and a separate inspection service for building and construction work. The duties of labour inspectors are fixed by the Labour Inspection Act. Among other things, they have powers to enter and inspect an enterprise at any time, to question witnesses, to examine all documents concerning the workers and to take part, at the request of other authorities, in any proceedings involving the protection of workers. These powers are of particular importance in the context of the procedures for the authorization of industrial plants which the authorities competent for occupational and industrial activities are required to conduct.

49. When the labour inspectorate discovers breaches of the rules relating to the protection of workers, it reports to the competent authority with a view to the infliction of administration penalties.

50. The following lie outside the remit of the labour inspectorate:

(a) enterprises within the remit of the agriculture and forestry inspectorate;

(b) enterprises subject to supervision by the mining authorities;

(c) enterprises subject to inspection by the labour inspectorate for transport;

(d) public authorities, offices and other administrative services set up by, and the institutions belonging to, the central and Land governments, associations of municipal authorities and individual municipal authorities;

(e) Educational and teaching establishments other than those covered by point (d) above;

(f) ecclesiastical administration services and religious communities recognized by law and their places of worship;

(g) domestic service.

51. The provisions of the Protection of Workers Act apply to all workers engaged in activity in enterprises and on outdoor worksites, regardless of the validity of their employment contracts. They also apply to workers engaged in activity in enterprises and services of the federal government and to workers in enterprises of Land and municipal authorities, but not to workers engaged in the services of Land and municipal authorities, in respect of whom specific provisions concerning protection have been promulgated.

52. Statistics on occupational diseases and work accidents:

Occupational disease

	1981	1986	1989
Illnesses caused by chemical and toxic substances	7	9	19
Illnesses caused by carbon monoxide	3	16	2
Illnesses caused by ionizing radiations	2	1	0
Skin diseases	151	405	425
Cases of cancer or other neoplasms and of deterioration of the mucous membranes of the urinary tract caused by aromatic amines	0	1	0
Cases of illness due to vibrations caused by work with compressed air tools and other instruments and machines having similar effects	2	5	2
Chronic disease of the elbow joint caused by continuous vibration	0	2	3
Breakage of spinous process	0	1	0
Cases of silicosis, silicatosis, silico-tuberculosis, asbestosis; malignant neoplasms of the lung or the pleura caused by asbestos; pulmonary fibrosis caused by hard metal dust	23	33	16
Bronchial asthma	21	23	43
Dental diseases caused by mineral acids	0	1	0
Defective hearing caused by noise	529	630	545
Cataract	0	1	2
Cases of tropical or infectious disease or diseases transmitted to humans by animals	103	65	44
Cases of disease of the lower respiratory tract and the lungs caused by irritant chemical or toxic substances	2	11	17
Farmer's lung (threshing)	0	0	1
Total	843	1 204	1 119

Work accidents (reported to the labour inspectorate)

	1981	1986	1989
Total number of accidents	117 634	105 817	104 644
(of which, fatal)	(255)	(192)	(188)
Accidents occurring within enterprises and on outdoor worksites	94 393	100 494	94 350
(of which, fatal)	(94)	(148)	(106)
Accidents occurring in places other than enterprises and outdoor worksites	17 140	11 467	10 251
(of which, fatal)	(107)	(86)	(94)
Numbers of accidents in branches of the economy in which more than 5 per cent of all accidents occurring within enterprises and on outdoor worksites occurred:			
Group XIII. Metal production and metal working			
Number of accidents	34 179	28 460	28 037
(of which, fatal)	(20)	(14)	(12)
Percentage of all accidents	34.011	30.164	29.702
Group XIV. Building and construction			
Number of accidents	23 509	21 243	21 729
(of which, fatal)	(81)	(58)	(38)
Percentage of all accidents	23.393	22.515	23.020
Group VIII. Woodworking; manufacture of musical instruments and toys			
Number of accidents	6 331	5 612	5 862
(of which, fatal)	(6)	(6)	(6)
Percentage of all accidents	6.300	5.948	6.210
Group XV. Commerce			
Number of accidents	5 692	5 766	6 405
(of which, fatal)	(4)	(3)	(3)
Percentage of all accidents	5.664	6.111	6.786
Group IV. Food and drink Manufacture: tobacco processing			
Number of accidents	5 374	4 862	4 677
(of which, fatal)	(2)	(1)	(1)
Percentage of all accidents	5.348	5.152	4.955

Promotion

53. As regards possibilities of promotion and advancement, reference is made to the statistical information contained in annex 13.

54. In the public service, the programme for the advancement of women is of particular importance. A survey of the period 1981-1988 has shown that, although more women are securing promotion, women are still seriously underrepresented in high-level posts and, notwithstanding some achievements, they still very rarely hold managerial positions. The proportion of senior positions in the public service occupied by women has almost doubled since 1980. At 19.8 per cent, however, it is still fairly low compared, for example, with the percentage of women completing higher education, which was 39 per cent in the 1986/87 academic year. The above-mentioned survey concludes that the welcome trend in the 1980s towards preferential recruitment of women is counteracted by decisions regarding promotion, where there has been essentially very little change.

Hours of work

55. The regulations concerning hours of work are intended to protect the worker against excessive use of his capacity for work and serve to ensure adequate free time. The maximum working hours prescribed by the applicable regulations limit the scope for amendment of contracts of employment.

56. Under the Hours of Work Act, the working day must not normally exceed 8 hours or the working week 40 hours. To allow more free time to be taken at weekends or during recreational periods, working hours may be reduced on certain days, and the hours not worked may be reapportioned among the other days of the week.

57. In the cases defined by law (e.g., at peak workload times) overtime is permitted. The maximum amount of overtime allowed is 5 hours per week and 60 hours per calendar year.

58. If collective agreements provide adequate regulations for certain occupational categories, in particular for persons employed in hotels and restaurants or in transport services, a larger number of working hours may be permitted.

59. The additional hours worked are to be remunerated at approximately 50 per cent above the normal rate.

60. A rest break of at least half an hour must be granted within a working day of more than six hours. In the interest of the workers or the operation of the enterprise, a single rest break may be replaced by two breaks of 15 minutes each or three of 10 minutes each.

61. Workers on rotating shifts must be given adequate shorter breaks instead of a single break.

62. Night shift workers engaged in arduous work are in any case entitled to a rest break of 10 minutes during each shift.

63. After finishing the working day, the worker is entitled to a minimum of 11 hours' uninterrupted rest.

64. Under the legislation concerning rest periods, a worker must be allowed 36 hours' uninterrupted rest, including Sunday, in each calendar week (weekend rest).

65. Some activities (for example, work in reception centres and homes, in connection with fairs or markets, in stations, hospitals or transport enterprises and during special events) are exempt from this rule. In such cases, workers on weekend duty have the right to 36 hours' uninterrupted rest during the calendar week (weekly rest).

66. If the worker is employed during the weekend or weekly rest period during the 36 hours preceding the commencement of his normal working week, he has the right to compensatory hours of rest equivalent to the hours worked during the weekly rest period.

67. During public holidays a worker has the right to 24 hours of uninterrupted rest. Even though he does not work on a public holiday, he is still entitled to remuneration in respect of that day, which must be calculated on the principle of compensation; i.e. he receives the wage that he would have received if there had not been an interruption of work on account of the public holiday.

68. For some activities there are exceptions concerning rest during public holidays. Work done on public holidays entitles the worker to additional payment: collective agreements often provide for higher remuneration for work done on Sundays and public holidays. Instead of financial remuneration, compensatory time off of at least one calendar day or 36 hours may be agreed on.

69. Under the Paid Leave Act workers are entitled to annual paid leave. The entitlement begins in the first year of work after six months of employment. The amount of leave is 30 working days, increasing to 36 after 25 years of service.

70. The date of departure on leave is to be agreed with the employer. Leave may be taken in two parts, one of which must cover a period of at least six working days. Arrangements to buy back leave due are null and void.

71. Leave entitlements lapse after expiry of a period of two years from the end of the year in which they arose.

72. In the event of illness during leave, the days of illness are not counted as days of leave if the period of incapacity for work exceeds three days, if the worker notifies the employer of his illness and if he presents a medical certificate confirming the illness. Under certain circumstances when employment is terminated after leave has become due but before it has been taken (for example, dismissal through no fault of the employee, early termination by the worker on valid grounds, dismissal by the employer on short

notice or on longer notice, with no possibility of taking the leave), the worker is entitled to compensation equivalent to the full value of the leave still due.

73. A lump-sum payment must be made to the worker if he ceases work before the leave is taken and there is no entitlement to compensation in lieu thereof, unless he leaves his job prematurely without good reason.

74. The lump-sum payment is 1/52nd of the leave allowance for each week beginning from the start of the year for leave purposes during which leave was not taken.

75. The 1984 Agricultural Work Act lays down special provisions concerning farm and forestry workers. It sets the maximum working week at 40 hours in general and at 42 hours for persons living in the employer's household. This may be extended by three hours during peak periods and must be reduced during non-peak periods to ensure that average weekly working hours over the year do not exceed the norm.

76. Care of animals, milking, ordinary morning and evening work and regular maintenance activities have to be performed over and above normal working hours subject to a maximum of six hours per week. This extra time must be compensated in the course of each month by free time on a 1:1 basis or by special remuneration.

77. The maximum number of overtime hours worked per week should not normally exceed 12, but up to 15 are permissible during the peak period lasting 13 weeks. No more than two hours of overtime (three during the peak period) may be worked on any one day.

78. Workers may not refuse to work overtime in emergencies, (for example, in cases of approaching bad weather, where there is a danger to livestock or a risk that produce will perish or where forests are threatened).

79. At the end of the working day the worker is entitled to a minimum of 10 hours of uninterrupted rest at night. During working time, adequate breaks totalling at least one hour per day must be provided. Sundays and public holidays are statutory rest days. Care of animals, milking and essential maintenance work must also be carried out on Sundays and public holidays, but with one Sunday or public holiday free each month. Such work is to be compensated by free time on a 1:1.5 basis, or by extra pay, within a period of one month.

80. Workers engaged exclusively in work of this kind are entitled to one working day off for each Sunday or public holiday on which they perform such work.

81. In the event of natural disasters or in connection with urgent and essential work to keep the farm operating and harvest crops quickly, workers must work on Sundays or public holidays.

82. Overtime which cannot be compensated for by free time must be paid for with a wage supplement of at least 50 per cent. Additional hours worked

during the nightly rest period (between 7 p.m. and 5 a.m.), on Sundays or on compensatory rest days entitle the worker to a 100 per cent wage supplement. Payment for work done on public holidays consists of the normal wage and pay corresponding to the work performed.

83. The regulations concerning leave applicable to farm and forestry workers, as defined in the Agricultural Work Act, are for the most part similar to the provisions of the Paid Leave Act.

84. In 1989 the labour inspectors reported 8,653 infringements of the legislation on hours of work, 3,165 of which concerned daily and weekly working hours. The branches of economic activity principally concerned were hotels and restaurants (1,168 cases) and commerce (677 cases). In 1,876 cases, the specific provisions applicable to drivers and co-drivers of motor vehicles had been infringed.

85. In 1989 there were 564 infringements of the Act concerning hours of rest, of which 162 were in commerce and 94 in hotels and eating establishments.

Article 8

Formation of trade unions

86. In general terms, reference may be made to the reports on the ILO Freedom of Association and Protection of the Right to Organise (No. 87), which has been ratified by Austria, and the Right to Organise and Collective Bargaining Convention (No. 98). In particular, reference is made to section I, question 1, of the report on Convention No. 87 covering the period up to 31 June 1971 and to section II of the report covering the period from 1 July 1986 to 30 June 1988.

87. With regard specifically to the question of affiliation of national trade unions with international trade-union organizations, reference is made to section II (art. 5) of the report on Convention No. 87 covering the period from 1 July 1971 to 30 June 1972. The parts of Austria's report relating to section II (art. 2) of the report on Convention No. 98 concerning the right of trade unions to conclude collective agreements deal with this question in detail.

88. The following general comments are appropriate:

(a) The Confederation of Austrian Trade Unions comprises 14 unions, which are not autonomous from the strictly legal standpoint. Furthermore, they do not have the capacity to conclude collective agreements, this being the role of the Confederation;

(b) Eight of the 14 unions are manual workers' unions, 2 are unions representing salaried employees in the private sector and 4 are public service unions;

(c) In the private sector of the economy, manual workers are grouped in unions by industry or branch as follows:

(i) Wood and building workers' union;

(ii) Chemical industry workers' union;

(iii) Printing and paper industry workers' union;

(iv) Commerce, transport and communications workers' union;

(v) Hotel, restaurant and personal services workers' union;

(vi) Agri-food industries workers' union;

(vii) Metalworking, mining and energy workers' unions;

(viii) Textile, clothing and leather workers' union.

(d) For the two private-sector unions for salaried employees (union of salaried employees and supervisory staff, union of workers in the artistic, media and liberal professions) and the four public-service unions (civil officials' union, municipal services union, railway workers' union and post and telecommunications workers union), the employer has power of decision in matters of affiliation.

89. Article 1 of the statutes of the Confederation of Austrian Trade Unions, which defines the name, objectives and headquarters of the Confederation, reads as follows:

> "1. The Confederation of Austrian Trade Unions is an occupational association of workers organized on a democratic basis, independently of political parties and with voluntary affiliation. It represents all employees (manual workers, salaried employees and public servants, including persons of either sex undergoing an apprenticeship or in a similar situation). Also eligible for membership are unemployed persons who have already been in paid employment, unemployed persons who have not yet been able to engage in paid employment, adolescent schoolchildren and students intending to engage in paid employment and other occupational groups (for example, persons in the liberal professions or self-employed persons), in so far as their activity is comparable to that of wage earners. The Confederation of Austrian Trade Unions defends the social, economic and cultural interests of these categories of persons.
>
> "2. The Confederation of Austrian Trade Unions has its headquarters in Vienna, and its competence extends to the whole territory of the Republic of Austria."

90. Even workers who do not have Austrian nationality may join the Confederation of Austrian Trade Unions.

Right to strike

91. Austrian law contains no constitutional or statutory provisions governing the central problems of labour disputes, and in particular relating to the legal position of the worker in case of strike action or restrictions on the right to strike. Only in isolated cases are there provisions of positive law applicable specifically to industrial action and dealing with specific problems; these serve essentially to express in concrete terms the neutrality of the State.

92. Thus, for example, article 11 of the Employment Market Promotion Act prohibits employment agencies from placing workers in enterprises on strike and from offering jobs to strikers and persons affected by a lockout. Employment in an enterprise affected by a strike or a lockout is considered unacceptable for the purposes of article 9 of the Unemployment Insurance Act, and article 13 of the same Act states that no entitlement to unemployment benefit exists if the unemployment is the direct consequence of a strike.

93. As with any action that is neither expressly permitted nor expressly prohibited, the organization of industrial action and participation therein has to be seen in the context of the legal system as a whole, i.e. particularly with regard to the general requirements of civil and criminal law. Since there are no legal provisions concerning strike action and there is no experience with this area, given that strikes in Austria since 1945 have been extremely rare and there is no relevant case law, Austrian law on industrial action is predominantly the theoretical result of doctrine.

94. With regard to the de facto situation concerning strike action, the following comments are appropriate:

(a) In 1990 there were nine strikes in Austria, two more than in 1989. The number of strikers and the length of strikes have also increased: 5,274 workers went on strike in 1990 (3,715 in 1989) for a total of 70,962 hours (23,887 hours and 45 minutes in 1989). The increase in the number of strikers and the total length of strike action is attributable to a strike by workers in the Steirerbrau brewery, which affected several Länder, and a warning strike by officials in the Land financial administrations and customs offices;

(b) The average length of strike action per participant was 13 hours and 27 minutes (6 hours and 26 minutes in 1989). In 1990, 0.18 per cent of all workers participated in a strike (0.13 per cent in 1989), representing 87 seconds of strike action per worker in Austria (50 seconds in 1989);

(c) In 1990 a warning strike was organized by 2,715 officials in the Land financial administrations and customs offices, covering the whole of the federal territory and lasting a total of 13,575 hours. This warning strike, and two strikes in a Vienna university clinic, where 75 doctors went on strike for 1,570 hours, were supported by the public servants' union. In addition, there were three strikes by members of the union of salaried employees and supervisory staff in the private sector (51 employees, totalling 514 hours), two strikes by members of the commerce, transport and communications workers' union (54 workers, totalling 48 hours), one strike in the agri-food sector (1,567 workers, totalling 37,608 hours) and one strike in the metalworking, mining and energy sector (812 workers, totalling 17,747 hours). An analysis by Land shows that the largest number of hours of strike action was recorded in Styria;

(d) The specific results (taking into account the fact that strikes affecting several or all Länder were recorded separately in each) are as follows: one strike in Burgenland (19 workers, totalling 95 hours), two in Carinthia (296 workers, totalling 3,399 hours), three in Lower Austria (201 workers, totalling 1,273 hours), three in Upper Austria (1,196 workers, totalling 20,275 hours), three in Salzburg (334 workers, totalling 1,418

hours), two in Styria (1,608 workers, totalling 32,968 hours), two in Tyrol (240 workers, totalling 1,637 hours), one in Vorarlberg (184 workers, totalling 920 hours) and 6 in Vienna (1,196 workers, totalling 8,977 hours). All these strikes were successful and were supported by the trade union concerned.

Article 9

95. Austria has ratified the ILO Social Security (Minimum Standards) Convention (No. 102) and Invalidity, Old-Age and Survivors' Benefits Convention (No. 128), both of which came into force on 4 November 1970. With regard to Convention No. 102, Austria has accepted the obligations defined in Parts II, V, VII and VIII, as well as those arising from Part IV with effect from 1 September 1978. Regarding Convention No. 128, the obligations defined in Part III have been accepted.

96. Concerning the unratified parts of Conventions Nos. 102 and 128 and also the non-ratification of the Employment Injury Benefits Convention (No. 121) and the Medical Care and Sickness Benefits Convention (No. 130), it should be pointed out that the reasons for non-ratification lie not in the number of categories of persons to be protected or the volume or amount of benefits to be provided, but in the particular nature of the de jure situation in Austria in specific sectors.

97. The social security system in Austria covers all the branches and benefits mentioned in point 2, relating to article 9, in document E/C.12/1991/1.

98. Social security schemes are supplemented by continued payment of wages in the event of sickness, as regulated by the Employees Act. Under this Act the employee retains his right to remuneration if, after appointment, he is prevented from discharging his duties because of illness, unforeseen circumstances or employment injury or occupational disease as defined by law, provided that the incapacity has not been caused deliberately or by serious negligence.

99. In the event of sickness occurring for the first time before the completion of five years of employment, a worker is entitled to full sickness or accident benefit for a period of up to six weeks. In the case of an employment injury or occupational disease, this period will be extended to cover the entire period of the incapacity but by not more than two weeks (making eight weeks in all). If the length of the incapacity exceeds eight weeks, the employee is entitled to benefit for a further four weeks, but at 50 per cent of the full rate.

100. After 5 years of uninterrupted service the worker is entitled to full benefit for a period of 8 weeks; with 15 years of uninterrupted service, full payment continues for 10 weeks, and after 25 years of service it is paid for 12 weeks. In each case the employee receives 50 per cent benefit for 4 weeks following the end of the period of full benefit.

101. If within six months of resuming work following a first illness, the employee is again unable to work for any of the reasons mentioned above, he is

entitled only to half of the remuneration that would be due to him for the period of incapacity for work to the extent that the aggregate of the periods of incapacity would exceed the periods indicated.

102. The employee has the obligation to declare his incapacity for work to his employer without delay, and also to present, at the request of the employer, who may renew this request after a reasonable period has elapsed, a certificate from the sickness insurance carrier or from an official or municipal doctor stating the cause and duration of the incapacity for work. In the event of failure to fulfil these obligations, the employee may lose his right to continued payment of wages for the period of such non-fulfilment.

103. The Agricultural Workers Act contains essentially similar regulations concerning continued payment of remuneration in the event of sickness affecting persons employed on farms or in forestry and in related occupations, particularly those involving managerial, commercial or secretarial work.

104. With regard to manual workers, continued payment of wages in the event of sickness is governed by the Act concerning continued payment of wages.

105. In the event of incapacity as a result of sickness or accident, the worker is entitled to receive remuneration for a period of up to 4 weeks on condition that he has already worked for 14 days. After 5 years' service he is entitled to 6 weeks, after 15 years to 8 weeks and after 25 years to 10 weeks of continued payment of wages.

106. The worker's entitlement in the event of sickness or accident is calculated in relation to the whole working year. If incapacity for work occurs several times in the course of a working year, the worker is entitled to payment only up to the amount not already paid.

107. In the event of incapacity owing to an employment injury or occupational disease the worker is entitled to payment for a period of up to eight weeks. After 15 years' service the entitlement increases to 10 weeks. The entitlement differs from the case of entitlement to remuneration for non-occupational sickness or accident in that it arises at the start of the contract of employment and not only after 14 days of employment. Moreover, the entitlement exists, for a maximum of 8 or 10 weeks, irrespective of earlier periods of incapacity; this means that any employment injury or occupational disease entitles a worker to full benefits.

108. For farm and forestry workers, continued payment of wages is regulated by the Agricultural Work Act. The relevant provisions correspond to the regulations outlined above with regard to the periods of continued remuneration in case of sickness or accident.

109. If within six months following the resumption of work the worker again falls ill or suffers injury, he must first use up the days remaining in the period of entitlement to full pay. If the duration of the incapacity exceeds this period, he is still entitled to 40 per cent remuneration for half the time for which he is entitled to full benefits.

110. In the event of incapacity for work resulting from an employment injury or occupational disease, the farm or forestry worker retains his entitlement to remuneration for the same period as workers covered by the Act concerning continued payment of wages.

111. In the event of recurrent incapacity connected with an employment injury or occupational disease, the worker is entitled to continued payment of wages within a given year of service to the extent that the period of 8 weeks (or 10 weeks) of entitlement has not yet been used up.

112. The Maternity Protection Act also contains provisions on continued payment of wages. It prohibits the employment of a pregnant woman in work which, because of the nature of the process or materials or equipment used, may be detrimental to her or to the unborn child. This applies, for example, to work performed in a standing position, activities in which the woman is exposed to substances, rays, gas or fumes, dust, heat, cold or humidity involving a health risk and activities which require lifting or moving heavy loads.

113. Where such measures of protection involve transfer to another activity within the enterprise, the woman is entitled to remuneration equal to the average wage received during the previous 13 weeks. In the calculation of this amount, periods during which the woman was not entitled to full remuneration because of illness or part-time work will not be taken into consideration.

114. Under the General Social Security Act, insured women are entitled, for the last 8 weeks before the expected date of birth, for the day of the birth and for the first 8 weeks after the birth, to a daily allowance calculated in principle on the basis of average earnings over the previous 13 weeks. In the event of premature or multiple birth, or birth by Caesarean section, the period of benefit entitlement is extended for a further 12 weeks following the date of the birth.

115. The 1967 Act concerning compensation in respect of family responsibilities (originally published in the Federal Official Gazette No. 376), in the version as published in Federal Official Gazette No. 696/199, regulates among other things the question of family allowances. In principle all persons residing or having their permanent residence in federal territory are entitled to a family allowance for their children living in the same household. No distinctions are made with regard to entitlement as between different population groups (for example, for economically active persons).

116. In principle family allowances are paid up to the age of majority - normally age 19 - and up to age 27 in respect of children who are undergoing vocational training. There is no age limit in respect of seriously handicapped children.

117. The family allowance is 1,400 schillings per month per child; a supplement of 250 schillings is paid from the beginning of the calendar

year in which the child reaches 10 years of age. In the case of seriously handicapped children, the family allowance is increased by a further 1,650 schillings.

118. Family allowances are generally paid from the Family Allowances Equalization Fund. This Fund is made up from employers' contributions, tax revenues and farm and forestry enterprises' contributions as well as contributions from the Länder.

Social security system

119. Sickness insurance for manual workers was introduced in 1889, as was protection against accidents. Old-age insurance for salaried employees in the private sector was introduced in 1919, and was followed in 1920 by sickness insurance for central government officials, together with unemployment insurance. In 1926 a sickness, accident and old-age insurance scheme was created for salaried employees in the private sector, along with old-age insurance for notaries and trainee notaries. In 1927, the National Council (Parliament) enacted an Act concerning social insurance for manual workers which provided for sickness insurance, accident insurance and old-age insurance for manual workers in industry and handicrafts; however, the Act never came into force because its entry into force was made dependent on an economic recovery which failed to materialize.

120. After Austria was occupied by the German Reich in 1938, the German social security system was introduced on 1 January 1939. It also provided manual workers with disability insurance, old-age insurance and survivors' insurance. After the restoration of free Austria, the existing regulations were incorporated into the Austrian social security system in 1947, an independent administration was established and the Austrian Confederation of Social Insurance Organizations was instituted.

121. In 1955 the National Council (Parliament) adopted the General Social Insurance Act, which has since been amended a number of times. The Act concerning sickness insurance for self-employed persons in industry, commerce and trades was adopted in 1958, as was the Act concerning social insurance for performers, which provides for sickness, accident and old-age insurance for persons in that group. Sickness insurance was introduced for farmers in 1965, and for self-employed persons in industry, commerce and handicraft trades in 1966. The Act concerning sickness and accident insurance for public servants other than officials was adopted in 1967. The Act concerning old-age insurance for farmers was adopted in 1971, and the Act concerning continued payment of wages of workers in the event of sickness in 1974. Comprehensive regulations were issued in 1979 under the Act concerning social security for persons in industry, commerce and trades, the Act concerning social security for farmers and the Federal Act on social security for self-employed members of the liberal professions.

122. The social security system covers close on 7,700,000 people (see annex 14) and is based essentially on six items of legislation:

(a) General Social Insurance Act. Under this Act sickness, accident and old-age insurance coverage is provided for manual workers and salaried

employees in business, handicraft trades and industry, as well as farm workers and mine and railway employees. Also covered are apprentices, together with small groups of the self-employed, such as midwives, musicians and mountain guides. The Act also provides sickness insurance for self-employed persons who have retired (dentists, veterinary surgeons), the unemployed, survivors of war victims, members of the families of persons insured under the Act and conscripts. Self-employed workers in business, handicraft trades and industry, persons in the liberal professions (doctors, veterinary surgeons) and schoolchildren and students receive accident insurance coverage under the Act;

(b) Sickness and Accident Insurance (Public Officials) Act. The Act provides sickness and accident insurance for public officials in employment regulated by a statute. Retired public officials, as well as members of their families, receive sickness insurance coverage;

(c) Social Security (Commerce, Industry and Handicraft Trades) Act. Under this Act self-employed persons in business, industry and handicraft trades are covered by sickness and old-age insurance. Retirees and members of their families benefit from sickness insurance, while self-employed persons such as dentists, veterinary surgeons, performers, journalists or trust administrators are covered by old-age insurance;

(d) Social Security (Agriculture) Act. Under this Act men and women engaged in agriculture, together with members of their families working chiefly in farming (spouse, children), are covered by sickness, accident and old-age insurance. Retirees and members of their families also benefit from sickness insurance;

(e) Federal Social Insurance (Liberal Professions) Act. This Act provides old-age insurance coverage for some liberal professions such as doctors, pharmacists, lawyers and patent agents;

(f) Notaries Insurance Act. Old-age insurance is provided under this Act for notaries and trainee notaries.

123. In Austria the benefits provided for in ILO Convention No. 102 and in subsequent social security conventions are available as follows:

(a) In the case of sickness, accident and old-age insurance: essentially to the whole of the active population;

(b) In the case of unemployment insurance: to wage and salary earners; and

(c) In the case of family allowances: essentially to the whole of the resident population.

124. Sickness, accident and old-age insurance are provided by organizations (insurance carriers) made up of insured persons (employers and employees), in accordance with the principle of independent administration. Unemployment insurance and family benefits are provided by State organizations.

125. The social security system also provides for continued payment of salary or wages during sickness, and the Assistance Act provides for maternity benefits for self-employed women in industry, commerce, agriculture and forestry.

Organization

126. Social insurance is handled by 28 insurance carriers.

127. All insurance carriers are members of the Austrian Confederation of Social Insurance Carriers, which is a coordinating body defending the general interests of social insurance organizations and representing them in matters of common concern (for example, concluding contracts with doctors, hospitals and so on). It also acts as the representative of the Austrian social insurance system in negotiating with similar institutions abroad and is the liaison service, at the intergovernmental level, on questions relating to sickness, accident and old-age insurance.

128. Social insurance in Austria is organized in accordance with the principle of independent administration.

Financing of social insurance

129. Social insurance is financed first and foremost by the contributions payable by insured persons, in the case of employees and employers. Pension schemes for self-employed persons in business, industry and trades also receive funds from occupational taxes, and pension schemes for persons engaged in agriculture from taxes on farms and forestry enterprises.

130. Where the financial resources of old-age insurance are not enough to cover all the benefits payable, the State guarantees that the shortfall will be met, using tax revenue for the purpose. The State also contributes to the sickness, accident and old-age insurance scheme for persons engaged in agriculture. The contributions of insured persons are determined on the basis of their incomes; employer contributions are calculated on the basis of the value of the farm's production (see annex 15).

131. The rates of contributions are shown in annex 16. It should be noted, however, that public officials are required to pay sickness and accident insurance, but not old-age insurance. They receive a State pension and contribute 10 per cent of their salaries.

132. Social expenditure amounted to 26.6 per cent of GDP in 1990 and 25.9 per cent in 1980 (see annex 17).

133. Social expenditure, as a proportion of the total expenditure of the federal State, stood at 26.4 per cent in 1990, compared with 25.9 per cent in 1980.

Other social benefits

134. When the Company Pension Schemes Act and the Retirement Pension Funds Act were drawn up in the spring of 1990, nearly 10 per cent of Austrian workers

belonged to a company retirement pension scheme in addition to the statutory scheme. The latter is thus the predominant element; for most of the population of Austria it is the only source of old-age insurance benefits. Both of these Acts have, in organizational and legal terms, made for an improved system of old-age benefits provided within the individual company.

135. Whereas the Retirement Pension Funds Act stipulates the conditions for establishing operating and supervising retirement pension schemes, the Company Pension Schemes Act is intended to safeguard pension expectations created by companies through labour legislation. It takes account not only of benefits promised under a retirement pension scheme but also of direct and complementary retirement benefits promised under insurance policies concluded for workers and their survivors. They are to be regarded as supplementing statutory old-age insurance.

136. The Company Pension Schemes Act is intended to protect the worker against the loss of pension prospects if he leaves the company.

137. Company pension schemes, however, always have the status of complementary benefits provided voluntarily by the employer. In other words, no employer in Austria can be compelled to offer company pensions. If, on the other hand, an employer decides to set up a pension scheme for his workers, he is bound to observe the general principle of equal treatment under labour legislation in regard to prospects of either benefits provided directly or benefits to be financed by insurance policies. Under this principle no worker may, for objectively unjustified reasons, be placed in a situation less favourable than that of the majority of the other workers.

138. If the employer does decide to finance a company scheme through a pension fund, he must, in principle, afford all the workers the opportunity to take part in the pension scheme. Since financing by a pension fund involves tax allowances, a collective approach plays an important role in the organization of such benefits. If possible, all the workers should be entitled to them; yet admissible differences in the law on benefits must also take into account the obligation of equity. This is done by the company's agreement to pay into the pension fund, which is the tool for collective organization of entitlements. If there is no competent works committee in the company, pension expectations are based on arrangements between the employer and the individual worker. However, these arrangements must be made in a standard contract form approved for the company in question by the Federal Ministry of Labour and Social Affairs.

Coverage of the social security system

139. In 1990, an average of 96.5 per cent of the resident population was covered by medical insurance (99.1 per cent if persons insured with medical assistance establishments are included). Employees, self-employed persons, the unemployed and retirees and members of their families are covered. Insurance coverage for these groups stems from the requirement to obtain insurance, stipulated in social insurance legislation. By and large, only persons in some liberal professions, including writers, lawyers and engineers,

are not covered by the Austrian sickness, accident and old-age insurance system. Anyone living in Austria is entitled to take out optional sickness insurance.

140. Guaranteed accident insurance relates, first of all, to workers. Accordingly, persons not engaged in occupational activity do not, in principle, enjoy statutory insurance coverage against accidents. However, the scheme also includes schools and universities and activities which are a result of an occupation or of school or university studies. Acts not connected with an occupation or with education are covered by accident insurance only if they are, generally speaking, altruistic activities carried out for the benefit of other disadvantaged persons or in the interest of the community at large.

141. Medical care for persons not covered by accident insurance must in principle be provided under sickness insurance (individual insurance or insurance as a member of a family), regardless of the cause of the sickness. In the case of statutory social security, cash benefits are not payable in respect of accidents which occur in the course of leisure activities.

142. Compulsory membership of an old-age insurance scheme is, as in the case of sickness insurance, linked in principle with the person's occupation. A person who is not required by law to be insured can remain within the old-age scheme on a voluntary basis provided he has a number of periods of insurance over a specific period. The fiftieth amendment to the General Social Insurance Act, which entered into force on 1 January 1992, introduced a voluntary old-age insurance scheme, similar to that for sickness; under the new scheme the conditions for continuing within the insurance scheme can be met.

143. Under the General Social Insurance Act, sickness and old-age insurance is not compulsory when monthly earnings are less than 2,792 schillings (Sch.). In recent years, the number of people in this category has risen a great deal, most of them being women. At the present time, the possibility is being considered of incorporating such people in the statutory social security system.

Article 13

144. Public education was introduced in Austria in 1774 under the Empress Maria Theresa's school reform. The law stipulated six years' compulsory schooling. In 1877 a law transferred control over education, hitherto exercised by the Church, to the State. The Church continued to supervise religious education and denominational schools. The teaching profession was opened to anybody, regardless of religion. The school reform, properly speaking, was carried out under the Imperial Primary Education Act of 1869. For the first time in the history of education in Austria, a uniform framework was established for compulsory education as a whole.

145. The period of compulsory schooling was increased from 6 to 8 years, the number of subjects taught at the primary level increased, upper-level primary schools were established for children aged 11 to 14, teacher training was improved and school fees for compulsory schools were abolished. Subsequently,

commercial secondary schools, technical schools and new upper secondary schools teaching various subjects were founded, thus creating conditions for gradually adapting education to the technical and economic requirements of life in the period up to the First World War.

146. In 1918, after the Austro-Hungarian Empire came to an end and the First Republic was founded, a great educational reform movement sprang into being under the influence of Otto Glöckel. For the first time, secondary schools providing general education were made available to all children aged 10 to 14, regardless of sex or social status. With the introduction of a comprehensive system in primary school, the fragmentation of education into various subjects was overcome and, in the case of students who were unable to attend because of physical or mental handicaps, special schools were created, and textbooks and teaching materials were provided free of charge in all schools. The legal basis for the present system of education in Austria is a new Education Act, which met with general approval in 1962.

Austria's present education system

147. Legislation on education in Austria is quite specific: any change requires a two-thirds majority in the National Council (Parliament) and must therefore be supported by the great majority of the representatives of the people.

148. Under the 1962 Education Act, State schools in Austria are open to all, regardless of birth, sex, race, status, class, language or religion.

149. In matters pertaining to education, law-making and enforcement powers lie with the Federation. In the organization of compulsory State schools (establishment, maintenance, closure, duration of education, class sizes) the Federation legislates on questions of principle. Legislation on application falls within the purview of each of the nine Länder. In the case of compulsory general and vocational training schools, the Länder, and more specifically the municipalities, are responsible for establishing and equipping them. This task falls to the Federation in the case of middle-level and secondary schools and teacher training academies.

150. For compulsory general schools, the district education council is the first authority and the Land education council is the higher authority. In the case of vocational training schools and secondary vocational training and general education schools, the Land education council is the first authority and the Federal Ministry of Education, Arts and Sports acts as the higher authority.

151. In Austria a child starts compulsory education at the age of six, for a period of nine school years. After four years of elementary (lower primary) school, the school system splits into:

(a) Upper-level primary school, lasting four years, which normally leads, after a polytechnic course of one year, to a practical occupation;

(b) Secondary school, lasting eight years, ending with an examination for a general certificate of education that affords entry to a university or

higher institute. Gifted pupils in upper-level primary education can also transfer into middle-level or secondary vocational training or an upper secondary school.

152. Instruction in their religious beliefs is compulsory for all pupils belonging to a Church or religious community recognized by law. Religious instruction is provided in school hours by the appropriate Church or religious community recognized by law and is paid for entirely by the State.

153. Vocational training is provided for students from 14 to 19 years of age, in two sectors which partly overlap:

(a) In intermediate and secondary vocational training schools, teacher-training establishments, academies, higher education institutes and universities;

(b) In the day-release vocational training system, combining on-the-job training with "vocational school" training. Alongside institutional vocational training there are a wide range of forms of "non-institutional vocational training". Schooling is compulsory and the number of years spent in the system (generally three) depends on the period required for training in a particular trade. At the present time, training can be obtained for more than 220 skilled trades. Apprenticeship training is provided in more than 60,000 enterprises. There are also 784 intermediate and secondary technical and vocational training schools, with 12,948 classes, providing training for 609,558 students.

154. Austrian schools are, in principle, open to anyone, including children who are citizens of other States, regardless of their origin, without charge. The provisions of Austrian law on educational matters (for example, nine years of compulsory schooling) apply to foreign children, taking precedence over the laws of the country of origin. Foreign children who are in Austria for a "lengthy stay" (meaning six months) are required to attend school.

155. All school textbooks are supplied to pupils, including foreigners, free of charge. Free travel (to and from school) is customary in Austria in cases where the parents are entitled to a family allowance.

156. In principle, children of foreign workers have the same rights to education as Austrian children. For the purposes of better integration into Austrian schools, they receive additional instruction in German. At the same time they follow additional courses in their mother tongue (history and social sciences) to keep up their ties with their countries of origin. Such education is provided by teachers from the country concerned.

157. In 1976, a report submitted to the United Nations General Assembly stated that the Austrian Federal Government would make appropriate educational facilities of acceptable quality, both in State schools and in private schools, available to the children of United Nations staff members on mission in Austria.

158. At the present time, Vienna has three large private schools teaching in foreign languages: the Vienna International School, which is an officially recognized school regarded as a United Nations school; the American International School, which provides education along the American pattern; and the Lycée Français de Vienne, the city's French school. There are other schools in which instruction provided is in a foreign language, with a foreign curriculum, and falling outside the Austrian Schools Organization Act. They include Japanese, Czech, Polish, Arab and Jewish schools.

159. A large number of foreign pupils also attend many State schools in Vienna, such as the Theresianum (which has boarding facilities), or vocational training schools in the Länder, e.g. hotel and tourist schools, such as the Klessheim school near Salzburg.

160. Austria has 232 lower and higher secondary general education schools providing both lower and upper secondary-level education ("long curriculum"); 16 of these are upper secondary modern schools. Admission is on completion of elementary education, and schooling lasts eight years. They are intended to provide students with broad yet thorough education and at the same time prepare them for higher education. These federal schools are free of charge. The cost of private schools varies from one to another.

161. Austria has 81 upper secondary modern schools, with classical and modern preparatory schools attached. The latter are special secondary schools intended for pupils who, after successfully completing eight years in primary school, wish to reach the general secondary school level. In this case, too, the purpose is to provide broad yet thorough general education and prepare pupils for higher education. These federal schools are free of charge.

162. Special types of upper secondary modern schools for particularly motivated and gifted students are available in a number of places in Austria. For example,

(a) In some upper secondary modern schools special emphasis is laid on artistic training (instruction in playing an instrument, or the practice of pictorial arts and manual work);

(b) In some upper secondary modern schools pupils study music for five years. The smaller number of weekly hours devoted to education gives students who intend to engage in full-time music studies at a higher school of music or conservatoire recognized by law sufficient time to practise an instrument. Theory, a subject taught, in the form of musical science, is combined with group exercises;

(c) In some of these schools special emphasis is laid on sports: as in upper secondary modern schools offering musical studies, sports may be studied and practised as additional subjects.

163. Education in these federal schools is free of charge.

164. At secondary school, studies end with an examination (written and oral) for a certificate which affords entry to university, and at the same time opens the way to entry into a number of specific functions and occupations.

Foreign children in Austrian schools

165. Historical developments and recent political events have given the Austrian population an international flavour: almost 10 per cent of all Austrian citizens were born abroad. There are also many foreigners living and working in Austria. Furthermore, Vienna hosts the headquarters of some 50 international organizations, including the International Atomic Energy Agency (IAEA), the United Nations Industrial Development Organization (UNIDO) and the Organization of the Petroleum Exporting Countries (OPEC). With the opening of the Vienna International Centre, the number of foreign international officials and their families reached almost 30,000, from more than 60 countries. This has given rise to a further problem, namely that of educating their young and teenage children.

166. Alongside embassy staff and international experts there is a second group of foreigners living in Vienna. Every year, many refugees, including, of course, children and schoolchildren, are granted asylum in Austria. The third major group of foreigners in Austria is made up of foreign workers. The economic expansion of the 1960s gave rise to a migratory flow of workers, from Southern and South-Eastern Europe in particular.

167. As early as in the 1986/87 school year, 35,252 foreign pupils were enrolled in Austrian schools; they made up 3.5 per cent of all pupils. The percentage is thought to have risen in 1992. These three main groups of foreign pupils in Austria give rise to problems, some of them universal and others specific:

(a) integration into the community of the classroom;

(b) the promotion and use of the German language;

(c) the use of the mother tongue.

168. In recent years, Austria has reacted both to the establishment of international institutions and to the flood of foreign workers by taking appropriate measures with regard to education. In Austria, the right to an education may be enjoyed both by nationals and foreigners, without problems. Difficulties may arise in individual cases where the parents of young or teenage children, still required by law to attend school, fail to send them regularly or prevent them from attending. When school authorities are aware of such a situation they insist on compliance with the obligation of school attendance.

169. Statistical data on the education system will be found in annexes 18 to 21.

170. The data sheet giving basic information on education in Austria (school year 1990/91), published for information purposes by the Federal Ministry of Education, give a summary view of the situation. It contains data from all educational establishments in Austria, information on the success rate in final secondary school examinations (Abitur) in 1989, 1990 and 1991; the number of boys and girls in their final year of secondary education; on all types of schools: the number of men and women teachers in the 1990/91 school

year in each Land, changes in the numbers of pupils in grades 9 to 15 and the federal budget forecast for chapter 12 (education) for 1991. This data sheet is also available in English and French.

Adult education in Austria

171. In recent years adult education has gained significantly in importance. In a continuously changing world there is no longer any such thing as "completed" education. Consequently adult education helps those whose schooldays are over constantly to expand their knowledge and increase their intellectual versatility so that they are better equipped to cope with the growing number of problems arising in society, at work, in the family and in recreation.

172. Thus, every day, thousands of people in Austria attend people's universities, training establishments and special further training schools to hear accounts of and talks on foreign countries, to learn about recent developments in space travel or medicine, to follow introductory courses on various fields of science and to take part in discussions on current problems. There are also many language and "hobbies" courses offering opportunities for personal enrichment. Other adult education institutions focus primarily on further vocational training. They offer the opportunity to broaden vocational skills, to keep one's job by retraining or to find a new job.

173. The people's education system is highly developed in Austria and comprises 350 people's universities and 2,400 local education centres. There are also 50 residential people's education centres and more than 2,400 people's libraries. According to experts, almost 10 per cent of all Austrians take part in various individual activities related to adult education every year. Almost 250,000 Austrians attend courses (most of them connected with further vocational training) on a regular basis, and every year, almost 1,000 Austrians, while working, manage to make up for something they failed to do when they were young - pass the final secondary school examination (Abitur).

174. As adult education is organized along various lines, different methods of financing it are needed. In addition to the State, the Confederation of Austrian Trade Unions, the Chambers and the Churches finance courses and lectures for adults who are keen to learn. Other funds are provided by various organizations along with course and entrance fees.

175. Today the general education system can no longer afford to overlook adult education. It takes in the vast area of further general education and vocational training. Given that most young people leaving school today will have no option but to take up a new type of employment once or twice during their working life, adult education is guaranteed a large catchment area.

176. At the central government level the Federal Ministry of Education and Arts is responsible for promoting adult education. Federal agencies to promote adult education have been established in the Länder. In addition, the cultural departments of the Länder employ experts to handle adult education.

177. With a view to improving the structural aspects of adult education, plans are afoot to make provision for it in the Austrian Constitution on a par with

schools and universities. In 1981 work began on the drafting of a "development plan for a cooperative system of adult education in Austria". Its starting-point was a survey on equality of opportunity as between regions and social groups.

178. The main objectives of this development initiative are: to redesign models for courses and practical training periods forming part of in-service basic and further training; to prepare for external examinations which recognize studies carried out in the context of this alternative education and retraining path or giving access to higher studies; to develop the work-orientated teaching of foreign languages; to concentrate measures previously taken in isolation at the regional level, with courses to help prepare for final examinations and which give access to study or, on the basis of material available, provide for individual study. Thus the object of education is to help improve one's control over everyday life and organize one's life in a conscious way.

179. Adult education in Austria is provided by numerous institutions and organizations of various sizes. The main bodies involved, in addition to the State, Länder and municipalities, are political parties, Chambers established by law, economic interest groups and churches. By way of example, some of the largest organizations involved in adult education in Austria are listed below:

(a) The political academies, which are institutions associated with political parties and which receive State subsidies under an Act of 1972. Their aim is to train members and workers. The various political parties - the SPÖ (Socialist Party), the ÖVP (People's Party) the FPÖ (Liberal Party) and the Green Alternative party - have their own training institutes;

(b) The Austrian Institute of Political Education, which is an institution run by the central and Land governments; its main objective is to provide political education for adults;

(c) The Austrian Federation of People's Universities, which is financed or subsidized by associations, communes or labour chambers. The people's universities make it permanently possible to obtain further training through courses, working groups, individual lectures and seminars on all areas of the arts and sciences, and also political education. In addition, they offer a wide choice of practical disciplines and cultural activities;

(d) The Federation of Austrian People's Libraries is the aegis organization for the people's libraries in Austria. It aims to advise its members in all areas related to their special fields and to encourage the development of public libraries as institutions providing education, information and recreation. In addition, it offers grants financed out of federal funds and funds of its own. One out of every nine Austrians is a member of a lending library;

(e) The Rural Further Education Institute is an association whose members include the Conference of Presidents of Chambers of Agriculture, the chambers of agriculture in the Länder, the Conference of Chambers of Agricultural Workers, the Raiffeisen Association and the Central Association

of Farms and Forestry. It aims to provide adults in rural areas, particularly those working in agriculture and forestry, with modern training matched to their working lives and recreational activities;

(f) The Association of Austrian Education Centres comprises Catholic and Protestant training centres and the Federation of Austrian Education Centres. It aims to find answers to the everyday problems of individuals and society. To do this it provides theoretical knowledge and skills, and also general guidelines for conduct as well as specific forms of religious and philosophical, moral and social education. Its priorities include artistic and musical education, training for parents and educational and cultural weeks;

(g) The Institute of Vocational Advancement is associated with the Confederation of Austrian Trade Unions, occupational unions and the chambers of labour and provides vocational training for adults. Its objective is to provide training programmes paying particular attention to job security and the employee's individual need for security. It aims to enable both men and women to remain in employment through retraining and improving vocational qualifications;

(h) The Institute of Economic Advancement is associated with the chambers of commerce and industry and is concerned with vocational training. Its aims are to provide continuous vocational training, further training and retraining. If necessary, it also provides supplementary training for apprentices and helps with preparations for examinations testing vocational skills;

(i) The educational programmes run by the Austrian Radio Broadcasting Network (ÖRF), over the radio and television are provided for under legislation which determines the educational role of the ÖRF. In line with its obligations, the ÖRF regularly broadcasts educational radio programmes, language courses and, from time to time, information programmes on various fields of science.

180. In addition to the major associations and institutions, which play a decisive role in the world of adult education in Austria, there are numerous other institutions - for example, the national federations of people's culture, whose activities centre on the arts and music. In addition, there are innumerable cultural and social associations, impossible to list here, offering a range of leisure activities. There are also European schools, and the European Academy in Vienna, which organize many adult education activities. Finally there are the cultural institutes of the various foreign countries in Austria and the associations to promote friendship between Austria and other countries, which concentrate mainly on teaching foreign languages and promoting understanding between the peoples concerned.

181. The various adult education institutions are also open to foreigners. Throughout the year in many parts of Austria academic sessions, language courses and seminars are organized especially for foreigners, to help them to improve their education in a wide range of fields. During the summer many international university courses are held. Two of the best-known events are

the Alpbach European Forum in Tyrol, which looks at current political, economic and cultural problems and questions, and the pictorial arts course of the International Summer Academy in Salzburg.

182. There are also State-subsidized courses designed for persons from developing countries, in particular in the fields of medicine, administration, veterinary medicine, post office and customs, the use of land resources, the protection of historical monuments, the restoration of works of art and tourism.

Illiteracy

183. There is almost no illiteracy in Austria and difficulties in reading and writing are encountered only in isolated cases. In Austria there are only about 600 children between ages 6 and 15 who, owing to illness or other disabilities, are unable to pursue a formal school education. All children with any form of disability may be educated in special schools (obviously depending on the degree of their disability). Moreover, for several years various types of "integration and cooperation" classes and specially small classes have been functioning on an experimental basis.

184. The State Treaty recognizes the Croats, Hungarians and Slovenes as ethnic groups. This recognition guarantees them, as Austrian nationals whose mother tongue is not German, the right to a proper education. This is the case with regard to the bilingual education system in Carinthia, which provides education in Slovene as well as in German. The educational system in Burgenland for the Croats and Hungarians operates in German, Hungarian and Croat. The children of foreign workers, who are usually integrated into general schools and offered supplementary teaching in German with the option of following courses in their mother tongue.

185. Statistics in Austria do not record how many children fail to finish their education.

The education budget

186. The Federal Ministry of Education and Arts has ultimate responsibility for administering and managing education. This responsibility covers maintaining, establishing and closing schools (with the exceptions of federal agricultural and forestry schools); organizing education in boarding schools; the training and further training of teachers and the organization of teachers' qualifying examinations; providing federal cooperation in the determination of the status of teachers, and the establishment of manning tables of teachers, in the Länder in so far as that does not fall within the competence of the Federal Ministry of Agriculture and Forests; and establishing rules for kindergartens, homes and hostels.

187. The budgetary figures below on "education and teaching" cover education (except for universities, scientific establishments and higher art schools), people's education services, extracurricular education for young people, and extracurricular physical education during the year 1992.

188. Expenditure under the item "education and teaching":

Operating costs

1990	1,349.9 million Sch.	Receipts: 2.7 million Sch.
1991	1,113.9 million Sch.	Receipts: 1.5 million Sch.
1992	1,165.4 million Sch.	Receipts: 1.5 million Sch.

This item covers primarily operating costs for the entire area of development relating to general teaching requirements, adult training and also general education, vocational training and training for teachers of all categories.

189. Services dependent on the central administration:

Staffing costs 1990	147.7 million Sch.
Operating costs	238.1 million Sch.
Receipts	154.6 million Sch.
Staffing costs 1991	81.3 million Sch.
Operating costs	138.1 million Sch.
Receipts	80.6 million Sch.
Staffing costs 1992	68.2 million Sch.
Operating costs	115.5 million Sch.
Receipts	74.7 million Sch.

190. Federal hostels for schoolchildren and schools' sports grounds:

Staffing costs 1990	19.1 million Sch.
Operating costs	19.9 million Sch.
Receipt	16.9 million Sch.
Staffing costs 1991	20.3 million Sch.
Operating costs	26.2 million Sch.
Receipts	17.4 million Sch.
Staffing costs 1992	20.6 million Sch.
Operating costs	25.0 million Sch.
Receipts	17.4 million Sch.

This item covers the running of five Federal hostels and eight Federal sports grounds in the interest of physical education and with a view to organizing, and sending schoolchildren to take part in, sports activities as part of their education.

191. Civic education activities and international youth activities:

Staffing costs 1990	11.0 million Sch.
Operating costs	54.4 million Sch.
Receipts	48.3 million Sch.
Staffing costs 1991	11.7 million Sch.
Operating costs	60.3 million Sch.
Receipts	50.0 million Sch.
Staffing costs 1992	11.9 million Sch.
Operating costs	60.3 million Sch.
Receipts	50.0 million Sch.

192. Federal adult education institutions:

Staffing costs 1990	34.0 million Sch.
Operating costs	24.8 million Sch.
Receipts	6.7 million Sch.
Staffing costs 1991	35.2 million Sch.
Operating costs	30.0 million Sch.
Receipts	7.3 million Sch.
Staffing costs 1992	35.7 million Sch.
Operating costs	30.1 million Sch.
Receipts	7.3 million Sch.

This item covers the financing of the day-to-day running of the Federation's promotional services for adult education and the Federal Institute of Adult Education, the training and further training of educators in the field of adult education, and the magazine "Adult Education in Austria".

193. Administrative services at the level of the Länder (school inspection services and educational psychology consultation services):

Staffing costs 1990	517.6 million Sch.
Operating costs	175.7 million Sch.
Receipts	95.0 million Sch.
Staffing costs 1991	550.6 million Sch.
Operating costs	202.9 million Sch.
Receipts	129.2 million Sch.
Staffing costs 1992	561.5 million Sch.
Operating costs	225.7 million Sch.
Receipts	135.2 million Sch.

194. Collegiate organizations of Land and district school councils:

Staffing costs 1990	451.6 million Sch.
Operating costs	156.5 million Sch.
Receipts	95.0 million Sch.
Staffing costs 1991	480.3 million Sch.
Operating costs	180.6 million Sch.
Receipts	129.2 million Sch.
Staffing costs 1992	490.2 million Sch.
Operating costs	203.1 million Sch.
Receipts	135.2 million Sch.

195. Educational psychology: consultation on training:

Staffing costs 1990	66.1 million Sch.
Operating costs	19.1 million Sch.
Receipts	0.0 million Sch.
Staffing costs 1991	70.2 million Sch.
Operating costs	22.3 million Sch.
Receipts	0.0 million Sch.
Staffing costs 1992	71.3 million Sch.
Operating costs	22.6 million Sch.
Receipts	0.0 million Sch.

196. This item covers the operating costs of general education establishments, secondary general education schools, federal secondary boarding schools, the Federal Teacher Training Institute and the Federal Institute of Training for the Deaf, compulsory general education schools and seminaries and hostels for schoolchildren in general education:

Staffing costs 1990	8,036.9 million Sch.
Operating costs	23,579.1 million Sch.
Receipts	83.5 million Sch.
Staffing costs 1991	8,803.2 million Sch.
Operating costs	25,107.0 million Sch.
Receipts	87.5 million Sch.
Staffing costs 1992	9,051.2 million Sch.
Operating costs	25,822.7 million Sch.
Receipts	78.7 million Sch.

197. Secondary general education schools (upper secondary schools maintained by the Federation, upper secondary modern schools, economics-orientated upper secondary modern schools, classical and modern preparatory schools, classical and modern secondary schools with an upper secondary cycle, modern and economics-orientated modern upper secondary schools for working adults):

Staffing costs 1990	7,700.7 million Sch.
Operating costs	935.8 million Sch.
Receipts	13.3 million Sch.
Staffing costs 1991	8,443.3 million Sch.
Operating costs	1,012.1 million Sch.
Receipts	19.7 million Sch.
Staffing costs 1992	8,674.4 million Sch.
Operating costs	988.7 million Sch.
Receipts	17.0 million Sch.

198. The Federal secondary boarding schools: these are secondary schools providing general education based on a national curriculum with boarding facilities. Pupils in these schools receive education, training and care as well as board and lodging. This system also offers a broader curriculum and a selective organization of leisure activities. At the moment there are four establishments with 98 classes:

Staffing costs 1990	193.4 million Sch.
Operating costs	34.4 million Sch.
Receipts	34.1 million Sch.
Staffing costs 1991	208.0 million Sch.
Operating costs	38.8 million Sch.
Receipts	31.2 million Sch.
Staffing costs 1992	217.6 million Sch.
Operating costs	37.8 million Sch.
Receipts	32.9 million Sch.

199. Federal Institute of Education for the Blind and Federal Institute of Education for the Deaf:

Staffing costs 1990	76.1 million Sch.
Operating costs	18.9 million Sch.
Receipts	2.3 million Sch.
Staffing costs 1991	80.9 million Sch.
Operating costs	23.0 million Sch.
Receipts	2.4 million Sch.
Staffing costs 1992	82.1 million Sch.
Operating costs	24.8 million Sch.
Receipts	2.3 million Sch.

200. Compulsory general education schools:

Operating costs 1990:	22,562.7 million Sch.
1991:	24,002.3 million Sch.
1992:	24,746.0 million Sch.

201. General education seminaries and school hostels. In 1992 there were nine federal seminaries and two federal school hostels:

Staffing costs 1990	66.8 million Sch.
Operating costs	27.3 million Sch.
Receipts	33.8 million Sch.
Staffing costs 1991	71.0 million Sch.
Operating costs	30.8 million Sch.
Receipts	34.2 million Sch.
Staffing costs 1992	77.0 million Sch.
Operating costs	25.4 million Sch.
Receipts	26.5 million Sch.

202. Technical and vocational training schools:

Staffing costs 1990	7,943.4 million Sch.
Operating costs	2,099.6 million Sch.
Receipts	139.3 million Sch.
Staffing costs 1991	8,665.0 million Sch.
Operating costs	2,362.5 million Sch.
Receipts	169.4 million Sch.
Staffing costs 1992	8,929.1 million Sch.
Operating costs	2,440.2 million Sch.
Receipts	193.3 million Sch.

203. Technical and industrial training establishments:

Staffing costs 1990	7,943.4 million Sch.
Operating costs	2,099.6 million Sch.
Receipts	139.3 million Sch.
Staffing costs 1991	8,665.0 million Sch.
Operating costs	2,362.5 million Sch.
Receipts	169.4 million Sch.
Staffing costs 1992	8,929.1 million Sch.
Operating costs	2,440.2 million Sch.
Receipts	193.3 million Sch.

204. Social workers' academies, training establishments for tourism, and social and economic occupations:

Staffing costs 1990	2,059.9 million Sch.
Operating costs	315.0 million Sch.
Receipts	15.2 million Sch.
Staffing costs 1991	2,271.1 million Sch.
Operating costs	413.5 million Sch.
Receipts	53.5 million Sch.

Staffing costs 1992	2,336.3 million Sch.
Operating costs	408.7 million Sch.
Receipts	54.6 million Sch.

205. Secondary commercial schools and commercial schools:

Staffing costs 1990	2,246.7 million Sch.
Operating costs	257.6 million Sch.
Receipts	1.8 million Sch.
Staffing costs 1991	2,396.9 million Sch.
Operating costs	283.7 million Sch.
Receipts	1.4 million Sch.
Staffing costs 1992	2,484.5 million Sch.
Operating costs	287.8 million Sch.
Receipts	2.9 million Sch.

206. Compulsory technical and vocational training schools:

Operating costs 1990	975.0 million Sch.
Receipts	0.0 million Sch.
Operating costs 1991	1,042.9 million Sch.
Receipts	0.0 million Sch.
Operating costs 1992	1,121.5 million Sch.
Receipts	0.0 million Sch.

207. Seminaries, boarding schools and hostels in the technical and vocational education sector:

Staffing costs 1990	46.1 million Sch.
Operating costs	35.6 million Sch.
Receipts	53.7 million Sch.
Staffing costs 1991	49.0 million Sch.
Operating costs	41.0 million Sch.
Receipts	52.7 million Sch.
Staffing costs 1992	59.2 million Sch.
Operating costs	46.8 million Sch.
Receipts	66.1 million Sch.

208. Establishments training teachers and educators. Teachers in primary and lower secondary schools, special schools and polytechnics are all trained at teacher training academies. Elementary schools and middle schools are attached into the academies to give the teachers opportunities to gain practical experience:

Austria

No.	Institution
8	Federal teacher training academies with schools used for training attached
6	Private teacher training academies with schools used for training attached
7	Diocesan religious teacher training academies
4	Vocational federal teacher training academies
8	Federal teacher training academies
3	Länder teacher training academies
9	Diocesan religious teacher training institutes
1	Protestant religious teacher training institute (Augsburg and Swiss confessions)
15	Federal training establishments for kindergarten teachers
12	Private training establishments for kindergarten teachers
1	Federal training establishment for educators
1	Federal training institute for training of educators in hostels and homes
4	Private educator training establishments for tutors
4	Federal establishments for physical education and sports

Staffing costs 1990	1,183.4 million Sch.
Operating costs	415.8 million Sch.
Receipts	12.4 million Sch.
Staffing costs 1991	1,297.4 million Sch.
Operating costs	463.5 million Sch.
Receipts	13.3 million Sch.
Staffing costs 1992	1,338.8 million Sch.
Operating costs	499.1 million Sch.
Receipts	10.7 million Sch.

209. Teacher training academies. These academies accept pupils who have completed secondary school education. They offer courses covering six semesters for the training of primary and middle school teachers, teachers for special schools and teachers for polytechnic courses.

Staffing costs 1990	664.6 million Sch.
Operating costs	139.7 million Sch.
Receipts	2.6 million Sch.
Staffing costs 1991	708.5 million Sch.
Operating costs	158.9 million Sch.
Receipts	3.0 million Sch.
Staffing costs 1992	719.1 million Sch.
Operating costs	171.4 million Sch.
Receipts	3.0 million Sch.

210. Institutes for the training of teachers in kindergarten teaching methods. The task of these institutes is to train students to become teachers able to perform educative and instruction work in kindergartens; at the same time they themselves receive education up to university entrance level. The courses last five years.

Staffing costs 1990	338.1 million Sch.
Operating costs	78.0 million Sch.
Receipts	6.2 million Sch.
Staffing costs 1991	389.9 million Sch.
Operating costs	85.6 million Sch.
Receipts	6.7 million Sch.
Staffing costs 1992	407.2 million Sch.
Operating costs	98.9 million Sch.
Receipts	6.6 million Sch.

211. Vocational teacher training academies. These academies accept students who have completed their secondary education or have obtained a master craftsman's diploma or reached an equivalent skill level. Their task is to train middle- and secondary-school level teachers for vocational schools in the fields of domestic science or technical and industrial training. They also train teachers of textile processing. Their professional consciences and their specific knowledge and vocational skills equip them for teaching in their respective fields.

Staffing costs 1990	60.2 million Sch.
Operating costs	19.7 million Sch.
Receipts	0.1 million Sch.
Staffing costs 1991	62.0 million Sch.
Operating costs	22.5 million Sch.
Receipts	0.3 million Sch.
Staffing costs 1992	62.9 million Sch.
Operating costs	22.3 million Sch.
Receipts	0.3 million Sch.

212. Federal physical and sports training establishments. The task of these establishments is to train teachers of physical education and sports.

Staffing costs 1990	29.3 million Sch.
Operating costs	28.2 million Sch.
Receipts	0.5 million Sch.
Staffing costs 1991	31.7 million Sch.
Operating costs	30.0 million Sch.
Receipts	0.4 million Sch.
Staffing costs 1992	32.6 million Sch.
Operating costs	30.9 million Sch.
Receipts	0.4 million Sch.

213. Teacher training institutes. This group of institutes is divided into four subgroups, preparing respectively - (1) teachers for compulsory general education schools; (2) teachers for vocational training schools; (3) teachers for secondary general education schools; and (4) teachers for technical and vocational training schools.

Staffing costs 1990	91.1 million Sch.
Operating costs	150.3 million Sch.
Receipts	3.0 million Sch.
Staffing costs 1991	105.4 million Sch.
Operating costs	166.4 million Sch.
Receipts	3.1 million Sch.
Staffing costs	116.9 million Sch.
Operating costs	175.6 million Sch.
Receipts	0.3 million Sch.

214. The numbers of pupils in schools in the State education system in Austria were as follows:

(a) compulsory general education schools:

1989-90

Number of schools	4,942
Number of classes	32,092
Number of pupils	622,547

1990-91

Number of schools	4,942
Number of classes	32,278
Number of pupils	632,577

1991-92

Number of schools	4,942
Number of classes	32,280
Number of pupils	623,000

(b) Secondary general education schools:

1989-90

Number of schools	246
Number of classes	5,626
Number of pupils	136,858

1990-91

Number of schools	241
Number of classes	5,643
Number of pupils	136,064

1991-92

Number of schools	241
Number of classes	5,680
Number of pupils	136,900

(c) Compulsory technical and vocational training schools:

1989-90

Number of schools	231
Number of classes	6,243
Number of pupils	156,490

1990-91

Number of schools	226
Number of classes	6,195
Number of pupils	151,765

1991-92

Number of schools	226
Number of classes	6,440
Number of pupils	157,700

(d) Intermediate-level technical and vocational training schools:

1989-1990

Number of schools	404
Number of classes	1,897
Number of pupils	41,676

1990-1991

Number of schools	326
Number of classes	1,897
Number of pupils	40,735

1991-1992

Number of schools	326
Number of classes	1,840
Number of pupils	39,600

(e) Secondary-level technical and vocational training schools:

1989-1990

Number of schools	243
Number of classes	3,537
Number of pupils	89,302

1990-1991

Number of schools	207
Number of classes	3,612
Number of pupils	88,540

1991-1992

Number of schools	207
Number of classes	3,600
Number of pupils	88,300

(f) Technical and vocational training academies (academies training pupils for careers in social services):

1989-1990

Number of academies	2
Number of pupils	333

1990-1991

Number of academies	2
Number of pupils	343

1991-1992

Number of academies	2
Number of pupils	350

(g) Intermediate- and secondary-level teacher training institutes:

1989-1990

Number of institutes	21
Number of classes	365
Number of pupils	7,898

1990-1991

Number of institutes	25
Number of classes	360
Number of pupils	7,565

1991-1992

Number of institutes	25
Number of classes	450
Number of pupils	7,400

(h) Teacher training academies:

1989-1990

Number of academies	13
Number of students	3,920

1990-1991

Number of academies	13
Number of students	4,010

1991-1992

Number of academies	13
Number of students	4,100

215. Current position in the education budget (chapter 12 of the federal budget): Comparison of the draft federal budget for 1992 with actual expenditure in 1991 (at the provisional closing of the accounts). It should be pointed out here that the amounts included in the education budget (chapter 12) do not include credits for adult education (item 1/12216 in the budget forecast and para. 1/1243), for other institutions for the education of juveniles (para. 1/1242) or for the provision of school premises (part of item 1/12007 in the budget forecast, VA item 7661 and 7666/001).

Federal budget 1992

Total chapter 12:	52,035.474 million Sch.
Expenditure in 1991:	50,870.964 million Sch.
Religious education:	503.094 million Sch.
Expenditure in 1991:	503.094 million Sch.

This item consists of benefits awarded to the Roman Catholic, Protestant and Old Catholic churches and to the Jewish religious community in accordance with article 26 of the State Treaty.

Adult education: (1/12216)	141.300 million Sch.
Expenditure in 1991:	125.040 million Sch.
Adult education: (1/1243)	65.793 million Sch.
Expenditure in 1991:	64.203 million Sch.
Education of juveniles: (1/1242)	72.238 million Sch.
Expenditure in 1991:	65.955 million Sch.
Provision of school premises:	672.566 million Sch.
Expenditure in 1991:	654.848 million Sch.
Total:	1,454.991 million Sch.
Expenditure in 1991:	1,513.140 million Sch.
Remainder of chapter 12:	50,580.483 million Sch.
Expenditure in 1991:	49,457.824 million Sch.

The foregoing includes statutory expenditure in respect of staffing costs for teachers in compulsory general education schools (transfer payments under item 1/12757).

Under the Financial Equalization Act, staffing costs for teachers in compulsory general education schools must be reimbursed in their entirety by the federal government to the Land governments.

24,657.935 million Sch.

Expenditure in 1991: 24,530.439 million Sch.

These amounts include staffing costs relating to teachers in compulsory technical and vocational training schools (transfer payment under item 1/12857). Under the Financial Equalization Act, 50 per cent of staffing costs relating to teachers in compulsory technical and vocational schools must be reimbursed to the Land governments by the federal government.

1,120.000 million Sch.

Expenditure in 1991: 1,059.541 million Sch.

In addition to this amount there is expenditure on the construction of school buildings, which is included in the budget of the Federal Ministry for Buildings and Technology (chapter 64).

Finally, it should be mentioned that the salary increases payable with effect from 1 January 1992 are not yet reflected in the federal budget for that year.

Education of girls

216. The participation rates of girls and boys at the different levels of education are shown in annex 18.

217. Notwithstanding the fact that all types of schools are equally accessible to either sex and that, particularly during the last 10 years, all sex-specific designations of types of school have been eliminated to make it clear to the public that schools are open to children of either sex, specifically masculine and feminine educational "paths" still exist. Briefly, the following trends have been observed:

(a) At the compulsory schooling level the striking feature is the relatively low level of representation of girls in special schools. Girls tend to finish their compulsory schooling mainly in intermediate-level technical and vocational training schools, whereas more than two thirds of the pupils in polytechnic courses are boys.

(b) In intermediate-level technical and vocational schools there are still traditional educational "paths" for girls; examples are the commercial schools and more particularly the specialist schools offering education in finance and economics. In contrast, girls find little attraction in technical schools. The tendency to continue education to a higher level rather than terminate it at the middle-school level has continued.

(c) In secondary school education girls have caught up to a very considerable degree on boys during the last 20 years. Today more girls take the final secondary school examination than boys. But in secondary education, too, girls tend to follow general education courses (they even shun secondary general education schools with a mathematical and scientific bias) or to enter commercial schools, schools teaching finance and economics and schools specializing in the clothing and tourist industries and applied arts. Only very small numbers of girls attend secondary technical schools.

(d) The great majority of students in teacher and educator training institutes are women. The trend towards predominance of women in teaching is continuing; it is particularly marked in general education schools and in schools with a high percentage of girl pupils. In Austria 62.4 per cent of all teaching staff are women; in some schools the proportion exceeds 80 per cent.

218. All the measures taken to ensure equal access for girls and boys to all forms of education, regardless of sex, rest on article 10 of the Convention on the Elimination of all Forms of Discrimination Against Women. This Convention was ratified by Austria in 1982 and offers guidelines for all measures adopted to eliminate discrimination in the educational field. The principal measures taken relate to the following areas:

(a) Vocational guidance facilities specially designed for girls (since they face specific problems in the employment market);

(b) The elimination of stereotyped concepts of the roles of men and women at every level of teaching, in particular by analysis of school curricula and manuals, making available information and teaching material, adapting teaching methods and offering specific facilities within the framework of the initial and continuing training of men and women teachers;

(c) Specific measures for the advancement of girls in the technology and natural sciences sectors;

(d) The promotion and encouragement of the entry of boys into fields traditionally considered to be "women's work", such as domestic and social sciences;

(e) The promotion of attitudes of partnership between the sexes;

(f) The facilitation of promotion and career development for women working in the education sector.

Conditions of employment of teachers at all levels of education

219. There are two categories of teachers in Austria:

(a) Teachers working under private-law contracts of a fixed-term character or of indeterminate duration;

(b) Teachers who are public officials, i.e. subject to the regulations governing the status of public officials and officially confirmed in their appointments. Their remuneration is on a par with that of other categories of public officials.

220. In 1962 the salary scale for teachers was established on a new legal basis allowing greater account to be taken of the process of continual change.

Private schools

221. In contrast to the situation in other countries, the private sector of education in Austria is of secondary importance. The great majority of schools in Austria are within the public system. However, in principle anybody is free to establish a private school subject to compliance with the provisions of the legislation on the subject. There are two types of private schools in Austria:

(a) Private schools with equivalence to the public sector, which, although privately run, resemble in all respects schools already existing in the public sector. There are private schools at the elementary, middle and secondary levels. If the organization responsible for it is one of the religious denominations recognized by law, the school is entitled to receive a subsidy towards its teaching staff costs from the federal or Land government. Schools run by private individuals are not entitled to subsidies of this kind;

(b) Alternative schools. These are schools which are not comparable with any type of school existing in the public sector of education. They have their own study programmes and organizational rules. The establishment of schools of this type, and attendance therein, do not give rise to any difficulties. However, the law allows them to be selective (for instance, they may admit only boys or only girls or provide for differential treatment according to religious persuasion).

222. During the period covered by this report no changes were made in the educational legislation on this subject. Education remains open and available to all. Any changes or reforms introduced relate to new methods of instruction and teaching.

Maintenance of schools

223. As a result of the increased demand for school places, the serious shortage of school premises which arose at the beginning of the 1970s and the need to erect new temporary buildings and to enlarge existing ones, and also

the improvements in quality standards required by the study programmes introduced as part of the schools development scheme over 400 new schools have been established and some 400 school buildings, offering 170,000 new places, have been built. The overall capacity of the system was thus increased by about 25 per cent. During the same period the number of teachers increased by 30 per cent.

Instruction and education of ethnic groups

224. With the exception of the areas specifically mentioned in article 14 of the federal Constitution, competence with regard to kindergartens lies with the Länder. Until recently the latter did not take into account the specific aspects of instruction given in the language of an ethnic group in their legislation on kindergartens; but the importance of bilingual kindergartens is gaining increasingly widespread recognition. There is no obligation to establish kindergartens. In Burgenland, however, since a change in the legislation concerning kindergartens was introduced in December 1989, the agencies responsible for operating them are required, under certain conditions, to offer educational facilities in Croat and Hungarian as well as in German. Even before the amendment came into force some kindergartens in Burgenland were already bilingual, offering either Croat or Hungarian as a second language. In Carinthia, too, some municipal kindergartens provide education in Slovene (but only one of them did so in pursuance of a decision to that effect by the municipal council concerned). There are five private bilingual kindergartens in all. In Vienna there is a private kindergarten managed by the Komensky Czech Educational Association.

225. Under article 68 of the 1919 Treaty of Saint-Germain Austria undertook in towns and districts in which a considerable proportion of non-German-speaking Austrian nationals were resident, to provide adequate facilities for ensuring that in primary schools the instruction would be given to those Austrian nationals in their own language. In pursuance of this article a treaty (known as the Treaty of Brno) was concluded with Czechoslovakia (Official Gazette, No. 163/1921), the second part of which contains provisions relating to the protection of minorities and, among other things, to teaching facilities for Czech children in Vienna.

226. Article 7, paragraph 2, of the State Treaty of Vienna stipulated that Austrian nationals of the Slovene and Croat minorities in Carinthia, Burgenland and Styria were entitled to elementary instruction in the Slovene or Croat language and to a proportional number of their own secondary schools. In addition, the same paragraph provided that school curricula would be reviewed and that a section of the Inspectorate of Education would be established for Slovene and Croat schools. The same provisions have been applied in Carinthia and Burgenland but in a different form. There are private education facilities for Czech-speakers in Vienna.

227. In implementation of article 7, paragraph 2, of the State Treaty provision was made for the Slovene ethnic group in the Act concerning schooling for minorities in Carinthia (Federal Official Gazette No. 101/1959). This act repealed the 1945 legislation, mentioned earlier, which provided for compulsory bilingual education. Under the general provisions of the new Act every pupil is entitled to receive education in Slovene, or to learn Slovene as a compulsory language, in schools designated by law if such is the wish of his or her legal representative (the "right of parents"). To receive

education in Slovene a pupil must be expressly registered for the purpose at the time of admission into the school. The Act provides in principle for two types of schools in Carinthia; elementary and upper primary schools imparting teaching entirely in Slovene, in accordance with article 12 (a) of the Act concerning the education of minorities in Carinthia, and elementary primary schools teaching in both German and Slovene (bilingual primary schools); or for bilingual classes or sections in elementary primary schools in which teaching is in principle in German (article 12 (b)) and sections teaching in Slovene in upper primary schools where teaching is given in German (article 12 (c)). No schools of the kind provided for in article 12 (a) have been established owing to lack of interest on the part of the ethnic group concerned. Education in bilingual elementary primary schools (art. 12 (b)) is conducted in such a way that "all teaching at pre-school level and during the first three years of schooling must be given in the German and Slovene languages in approximately equal proportions" (art. 16, para. 1, of the Act). During the fourth year, and in upper primary schools, Slovene is merely a compulsory subject (four hours per week).

228. The various steps taken since 1983, designed principally to strengthen the proportion of teaching given in German in bilingual elementary primary schools (for instance by employing an assistant primary school teacher), eventually gave rise to a more far-reaching discussion of reforms and to the establishment of various committees and other bodies.

229. The amendments introduced into the Act concerning the education of minorities in Carinthia in 1988 (Federal Official Gazette, No. 326/1988) reflect the substantial preparatory work done by these committees. The amendments were designed to improve the quality of teaching for all children in bilingual schools in Carinthia (for instance, by reducing maximum permissible class sizes, providing a second teacher, etc.) and thus to promote, among other things, mutual respect and the abandonment of prejudices and to enable the majority and the ethnic group to live side by side in a spirit of mutual respect and tolerance. This amendment met with a mixed reception within the minority group, and during the same year a monitoring committee was set up within the Federal Ministry of Education, Arts and Sport to study the practical effects of the amendment over a period of three years and to report on them.

230. Following a decision of the Constitutional Court, dated 15 December 1989, on the geographical area of application of the Act, an additional amendment was adopted (Federal Official Gazette, No. 420/1989) laying down the principles to govern the teaching of the Slovene language in the rest of Carinthia (i.e., outside the original area in which the Act was applicable). The amendment also provided for the expansion of facilities for the teaching of the Slovene language as such (which gave rise to fears among the ethnic minority that bilingual education would be deprived of its substance) and for the establishment of a bilingual secondary commercial school.

231. During the school year 1989-90 there were 62 elementary primary schools offering bilingual education; out of a total of over 4,000 pupils enrolled in those schools, 1,134 had registered for bilingual education. At the upper primary level there were some 350 pupils each year, spread over some 15 schools, studying the Slovene language.

232. In Burgenland the obligations deriving from article 7 of the State Treaty are now applied, by virtue of that status, with the mandatory force of Federal legislation. The provisions governing their implementation are laid down in the 1937 Burgenland Schools Act (Burgenland Official Gazette, No. 40). Under this Act either German (the official language) or the mother tongue of non-German speaking children (but for such children only) may be taught as a subject. The regulations in force stipulate that the teaching language in a municipality shall be that of an ethnic group if, according to the results of the most recent census, 70 per cent of the population belongs to that ethnic group. If between 30 and 70 per cent of the population belongs to an ethnic group, the language of that group may be used for teaching as well as German. There are no formalities of registration to receive education in the language of the ethnic group. If the latter comprises less than 30 per cent of the population, the language used for teaching is German. However, the Act specifies that "any school community is free to take measures to provide for the education of non-German speaking children in their mother tongue by making it an optional subject". Such a step requires the approval of the President of the Burgenland Educational Council; however, approval may not be withheld where there are more than 20 non-German-speaking children. The application of these provisions, which date from 1937, has given rise to certain practical problems, if only because censuses do not record membership of a "national minority" or of an ethnic group. Currently there are no primary schools in Burgenland in which teaching is given entirely in Croat or Hungarian; there are only mixed-language elementary primary schools. During the school year 1989-90 there were 18 elementary primary schools offering teaching of Croat and two teaching Hungarian; but in all the elementary primary schools in Burgenland there were only 524 pupils who stated that their mother tongue was Croat and 79 who stated that it was Hungarian.

233. There are about 10 upper-level primary schools in which the Croat language is taught in various ways (as an alternative compulsory subject, as an optional subject or, in some cases, on an experimental basis) and two in which Hungarian is offered as an alternative compulsory subject as part of an educational experiment.

234. Since the spring of 1983 the Burgenland Croat Cultural Association in Vienna has been organizing, on a private basis, language courses for children in both elementary and upper-level primary schools. According to the most recent figures, the courses are attended by between 70 and 90 persons.

235. Since the school year 1989/90 the Hermagoras/Moharjeva association has been operating a bilingual private elementary primary school in Klagenfurt. During the school's first year of operation, some 40 pupils attended courses there. The teaching language alternates daily between German and Slovene.

236. The fundamental legal norms which apply to the educational arrangements for the Czech ethnic group in Vienna are the provisions concerning protection of minorities in the Treaty of St. Germain and the Brno Treaty referred to earlier. The Komensky School Association runs a kindergarten in Vienna as well as an elementary primary school and an upper-level primary school which together have about 150 pupils per year.

237. Article 7, paragraph 2, of the State Treaty of 1955 makes provision for the Slovene and Croat ethnic groups to have "a proportional number of their own secondary schools". Under this provision, in 1957, the federal high

school (which subsequently became a federal secondary modern school) was established for Slovenes in Klagenfurt (where Slovene is the only language of instruction). It has since expanded rapidly and currently has an enrolment of 450 pupils per year. A new bilingual commercial secondary section was added at the beginning of the 1990/91 school year (see art. II of the amendment to the Act concerning schooling for minorities in Carinthia, Federal Office Gazette No. 420/1990). For the Croat and Hungarian ethnic groups in Burgenland, a bilingual federal upper secondary school was opened in Oberwart in the school year 1992/93; it teaches in German and Croat and German and Hungarian.

238. The elementary and upper-level primary schools teachers who teach in the Slovene language and in the two languages are trained at the federal State primary teacher training academy (Pädagogische Akademie) in Klagenfurt. For the assistant primary school teachers mentioned earlier, who have been employed since 1988, specific courses are still being offered at the Klagenfurt academy in such subjects as the theory and practice of teamwork and information on the cultural heritage of the Slovene people, as well as optional Slovene language courses. The academy also organizes events as part of the ongoing training of teachers. The training of elementary and upper-level primary school teachers teaching in Croat or German and Croat at the teacher training academy in Eisenstadt, and the upgrading training of teachers at the teacher training institute in the same town, are organized in a similar manner.

Article 15

Cultural budget

239. In Austria the funds allocated to culture are:

(a) General budget

Staffing costs 1990	693 million Sch.
Operating costs	700.1 million Sch.
Receipts	3.9 million Sch.
Staffing costs 1991	852.3 million Sch.
Operating costs	860.6 million Sch.
Receipts	9.3 million Sch.
Staffing costs 1992	1,000.9 million Sch.
Operating costs	1,010.1 million Sch.
Receipts	5.1 million Sch.

(b) Federal Ministry (budget allocations)

Operating costs 1990	689.4 million Sch.
Receipts	0.6 million Sch.
Operating costs 1991	847.7 million Sch.
Receipts	5.8 million Sch.
Operating costs 1992	996.6 million Sch.
Receipts	1.2 million Sch.

(c) Plastic arts and exhibitions

Purpose: promotion of the fine arts and organization of exhibitions in Austria in the field of contemporary art as well as the execution of the cultural agreements in the field of fine arts.

Operating costs 1990	40.2 million Sch.
Receipts	0.0 million Sch.
Operating costs 1991	50.2 million Sch.
Receipts	0.0 million Sch.
Operating costs 1992	61.0 million Sch.
Receipts	0.0 million Sch.

Subsidies are given, inter alia, to the artists' associations, and artists are encouraged through subsidies given for exhibitions, bursaries, subsidized travel expenses, artists' symposiums and the encouragement of young artists as well as assistance in construction. Funds are allocated to exhibitions which are organized by the Federation, and contributions are made to the management and maintenance of works of art and of federal workshops which are the property of the Federal Ministry of Education and Arts, in Austria and abroad, as well as to the cost of implementation in Austria of cultural agreements in the field of fine arts and honorary gifts.

(d) Music and dramatic art

Purposes: the promotion inter alia of theatres, music associations, orchestras, art schools and festivals in Austria.

Operating costs 1990	373.6 million Sch.
Receipts	0.0 million Sch.
Operating costs 1991	420.6 million Sch.
Receipts	0.0 million Sch.
Operating costs 1992	468.0 million Sch.
Receipts	0.0 million Sch.

(e) Literature

Purpose: the promotion of literature.

Operating costs 1990	58.7 million Sch.
Receipts	0.0 million Sch.
Operating costs 1991	81.2 million Sch.
Receipts	0.0 million Sch.
Operating costs 1992	117.0 million Sch.
Receipts	0.0 million Sch.

Subsidies are also provided for printing costs, travel fellowships and bursaries, prizes and grants as well as subsidies to literacy societies, to the society for the promotion of literature and to the documentation centre on

the new Austrian literature (House of Literature). In addition, there is financial provision for honorary gifts to talented writers as well as for the organization of functions to pay tribute to and provide support for elderly writers. There is also provision for the reimbursement of expenses to the Austrian Commission for Young Writers. In order to encourage young artists, the Federation also buys works of art and photographs. Promotion may also take the form of interest-free loans. A board has been established to advise the Federal Ministry of Education and Arts and the Minister of Science and Research on the use of the funds for artistic promotion. Public utility and other institutions and individuals in the fields of fine arts, music, literature and the cinema throughout Austria may also receive these promotional funds. Similarly, artists who have retired may also benefit from these funds, in the form of assistance to artists.

(f) The cinema

Purpose: promotion of the cinema and photography in Austria. Finance is made available, inter alia, to the fund for the promotion of the cinema in Austria.

Operating costs 1990	109.7 million Sch.
Receipts	0.3 million Sch.
Operating costs 1991	144.1 million Sch.
Receipts	5.7 million Sch.
Operating costs 1992	179.0 million Sch.
Receipts	1.1 million Sch.

In 1992 a larger allocation was made to the fund for the promotion of the cinema and to the public utility institutions concerned. The expansion of the collection of films and videos was also subsidized. In addition, funds were set aside for the World Intellectual Property Organization (Film Register Treaty). Furthermore, budget allocations were made to the fund for the promotion of the cinema in Austria, a subsidy for the Austrian Film Archives, the Austrian Film Library and the work of the Austrian avant-garde cinema. Substantial subsidies were also awarded throughout the country to other public utility associations and institutions as well as to individuals for short and experimental films and for photography projects. Funds are disbursed for the grading of films, for the provision of information to the public about the films, for honorary gifts as well as for replacement copies for the films in the archives. Similarly, provision was made for the cost of implementation, in Austria, of cultural agreements on the cinema and photography involving the organization of cinema and photography weeks. A contribution has also been made to the European fund for film promotion.

(g) Assistance to artists

Purpose: for artists subject to compulsory insurance, the Assistance Fund for Artists, a private law institution, pays up to 50 per cent of the contributions due from them to the social security institution for commerce and industry under contractual commitments.

Operating costs 1990	33.4 million Sch.
Receipts	0.0 million Sch.

Operating costs 1991	40.0 million Sch.
Receipts	0.0 million Sch.
Operating costs 1992	43.0 million Sch.
Receipts	0.0 million Sch.

(h) Promotion in Austria of foreign cultural events

Purpose: coordination of the handling of all cultural matters, and implementation of cultural agreements, of an international nature, including organizational aspects, on behalf of the ministry.

Operating costs 1990	11.4 million Sch.
Receipts	0.2 million Sch.
Operating costs 1991	15.0 million Sch.
Receipts	0.0 million Sch.
Operating costs 1992	17.0 million Sch.
Receipts	0.0 million Sch.

Operating costs were higher than in previous years, mainly on account of the greater expenditure incurred for international meetings and visits of experts at the bilateral and multilateral levels, which has increased considerably because of the opening up to Eastern Europe. Subsidies are granted to associations responsible for organizing cultural and educational events of an international character. Funds are earmarked, inter alia, for studies, expert advice and seminars organized by the United Nations agencies, by the specialized committees of the Council of Europe and UNESCO or by multilateral institutions working closely with these organizations and on their behalf, and the operating costs of the Austrian Commission for UNESCO. The implementation within Austria of the cultural agreements concluded in cooperation with the Federal Ministry of Foreign Affairs and the Federal Ministry of Science and Research, within the framework of the Federal Ministry of Education and the Arts (exchange of experts at the academic and cultural levels; presentation of Austrian literature and of suitable information material) are also financed from this budget item. In addition, it finances the organization of visits from the Eastern European countries in the fields of teaching, arts and the media, which help to advance the process of democratization in the former communist countries and seek to initiate an exchange of experience on a large scale.

(i) Cultural development - cultural initiatives; publicity measures

Purpose: promotion of cultural development, of cultural work models directed towards the grass-roots, promotion of the cultural activities of target groups, documentation and scientific evaluation of the cultural and publicity activities.

Operating costs 1991	30.0 million Sch.
Receipts	0.0 million Sch.
Operating costs 1992	43.0 million Sch.
Receipts	0.0 million Sch.

240. The Austrian Federal Constitution has no explicitly defined cultural aim. There is, however, a close link between politics and culture, and the State has a wide range of commitments in the field of cultural policy; these find expression mainly in the form of cultural administration. Up to 1988, the administration of culture was not defined by law, and to some extent this is still the case. It is therefore not surprising that the Länder have played a pioneering role, organizing their own cultural administrations on the basis of the principles of the State governed by the rule of law, and by incorporating the principles and goals of the cultural activity of the State into their respective constitutions, which were amended in the 1980s. The cultural responsibilities of the State are set forth more or less explicitly in the constitutions of Tyrol, Vorarlberg, Lower Austria and Burgenland. Article 1, paragraph 2, of the constitution of Burgenland, for example, assigns the Land the responsibility for "the protection and development of its citizens in an equitable society", while article 4 of the constitution of Lower Austria makes the legislature responsible at the level of the Land "for ensuring that the living conditions of the population in Lower Austria are guaranteed, taking into account foreseeable needs in the economic, social and cultural fields".

241. The preamble of the constitution of Tyrol establishes as the "supreme obligation" the safeguarding and protection of "fidelity to God and the historical heritage, the spiritual and cultural unity of the entire Land, the freedom and dignity of the individual, the family organized as the basic unit of the people and of the State". Under an amendment to the Constitution dated 9 December 1988, the Land also undertakes (in article 10) to promote "culture and education", "the sciences, the arts and to preserve the regional character" as well as the acquisition of knowledge and also the "multiplicity and variety" of cultural life and to respect its freedom.

242. In this way, Tyrol is following the example of Vorarlberg, which was the first to define, as having in Article 9 of its Constitution (Education and Culture), an almost identical cultural mission. The article reads as follows: "The Land declares its attachment to the practice of science, the expression of culture and the arts and the preservation of the regional character. It respects the freedom, independence and variety of cultural life and the right of everyone to participate in cultural life". The other constitutions of the other Länder have not so far defined any such cultural objectives to be pursued by the State.

243. Since the notion of culture is an open one, it is not possible to make an exhaustive list of the areas of competence in respect of cultural policy. In theory, article 15, paragraph 1, of the Federal Constitution also applies to the cultural field. This article provides that any subject for which the Federation is not specifically assigned responsibility remains within the area of autonomous action of the Länder. The presumed primary competence of the Länder, which is often formulated as deriving from this provision ("exclusive competence in cultural matters") must, however, be deemed to be more apparent than real in view of the actual amount of federal activity.

244. The powers explicitly attributed to the Federation in article 10, paragraph 1, Nos. 6 and 13, of the Federal Constitution in issue No. 490/1984 of the Federal Official Gazette give the Federation excessive power vis-à-vis the Länder in certain cultural matters.

245. The Federation has legislative and executive power in the following areas:

(a) Scientific and technical management of archives and libraries;

(b) The artistic and scientific institutions of the Federation;

(c) The theatres of the Federation, except for responsibilities in the field of construction;

(d) Protection of monuments and ecclesiastical matters;

(e) Demographic censuses and other statistics, in so far as they do not serve the exclusive interests of a single Land;

(f) Foundations and endowments;

(g) Regulations governing the press;

(h) Copyright;

(i) Publishing houses, agencies and galleries run on a commercial basis.

246. In addition, as a result of case-law decisions on this subject and of historical evolution, the Federation has gradually assumed primary responsibility for the mass media, where radio and television fall within the purview of the Federation, and are governed by laws that have the same rank as the Constitution; and for education, where the structure and organization of the schools are largely established by the Federation and where a general provision attributes responsibility to the Federation.

247. The Länder, on the other hand, have complete jurisdiction over the following areas:

(a) Theatres and cinemas as well as exhibitions and events, including music and films;

(b) Customs, practices and traditional art, including training and the active promotion of traditional dancers, popular theatre, traditional folk costumes, regional customs, etc.;

(c) Sports.

248. There is partial and joint responsibility in the field of teaching, popular education and adult education, where the legal position is sometimes complicated. With respect to cooperation in cultural matters outside Austria, it is important to note that the Länder may, in matters "falling within the sphere of their autonomous action, conclude international treaties with the States bordering on Austria or with parts of those States".

249. Some basic rules are laid down in article 17 of the Federal Constitution, which provides that the Federation and the Länder, "in so far as they are vested with private rights", are not bound to share competence. In practice this provision is interpreted to mean that any community within the country

may perform any public function whatever, regardless of the division of competence, provided that that function is accomplished exclusively according to private law, in other words, without the involvement of public authority. Laws may also be enacted in this area, provided that they bind only that particular community and do not dictate any interference with the rights and obligations of the citizens. In practice, there is a welter of such laws on subsidies that establish the applicants for subsidies rights and obligations solely through the conclusion of subsidy contracts.

250. The promotion of culture by the local communities is usually done on the basis of private economic administration of this type. This system offers the Länder and the communes wide scope for action in respect of cultural policy, which can be organized according to the wishes of the agents concerned and in terms of their financial capability. This scope is limited only by the fundamental rights and freedoms. Independently of the powers laid down in constitutional law, the Länder and the municipalities are free to support, for example, churches and religious communities, secondary education institutions and universities and galleries and publishing houses, to promote the press, to build museums, establish archives, collections and libraries and to preserve historical monuments and organize festivals. The fact that the administration of the subsidies and promotional activities on the basis of private law is not limited by the definition of competence is thus the basis of federal cultural policy.

251. Fundamental rights and freedoms are guaranteed in Austria by a number of laws which have developed throughout the course of history. These rights are mainly the liberal rights of defence, which offer protection against State interference and thus at the same time erect barriers around cultural policy.

252. The important rights in respect of cultural policy are freedom of assembly and association (art. 12 of the Constitution), which guarantees above all the free exercise and the organization, within society, of cultural activities; freedom of communication, including the right to freedom of expression (art. 13); freedom of the press and the mass media (art. 13, para. 2); the independence of radio and television broadcasting, the prohibition of censorship, freedom of science in the area of individual research and education without interference (art. 17); as well as the freedom of art (art. 17, para. 1).

253. The right to autonomous organization, guaranteed under the Constitution by freedom of assembly, association and communication, is the cornerstone of autonomous cultural development.

254. In a democratic and liberal system it is the duty of the State to create a framework of conditions conducive to promotion of the unfettered development of cultural activity. The right to autonomous organization is both the basis for the existence of a variety of actors and agencies involved in cultural activities and the guarantee of diverse and multifaceted cultural expression. It also constitutes the minimum guarantee of independence with respect to politics. There is a host of associations which have organized themselves on their own initiative and play an important role in cultural policy both as regards local autonomous artistic activity (choirs and musical groups), in artistic production and intermediary services and in respect of adult and youth education.

255. The right to administrative autonomy serves two types of purpose:

(a) Firstly, it constitutes the basis for putting the federal principle into effect at the level of the municipality. The Federal Constitution guarantees that a municipality is an autonomous administrative body but does not expressly define a specific sphere of action for it in respect of cultural policy or cultural administration. This individual sphere of action for municipalities derives rather from their general competence (art. 118, para. 2, of the Federal Constitution) and from the provisions of ordinary law.

(b) Secondly, the right to administrative autonomy makes allowance for the application of liberal principles, since it constitutes an alternative to public administration, which is obliged to follow instructions. Ordinary legislation can in certain circumstances, and within certain limits set by constitutional law, create autonomous bodies. The autonomous bodies which are important as far as cultural policy is concerned are primarily the Chambers and other occupational interest groupings whose purpose is to provide vocational and comprehensive education, for example, the Austrian higher education students body, the universities, the higher arts schools, the arts academies, Austrian radio and television and foundations and funds established under public law. The academies of the political parties and the churches recognized by the law, which play an important role in the implementation of cultural policy, also benefit from the autonomy guaranteed by public law but without themselves being autonomous bodies.

256. One of the pillars of the autonomy of the local communities is the right they have to prepare their own budgets. The Federal Finance Act authorizes the administrative bodies in question to dispose of the resources allocated to them. At the close of each financial year, the Court of Audit prepares the statements of account of the federal budget, which must also be approved by the National Council in the form of an Act. In the constitutions of the Länder provision is made for the approval of the draft budget of each Land by the Diet (Landtag) concerned, either in the form of an Act of the Land or through a simple decision of the Diet.

257. The various laws for the promotion of the arts and cultural activities stipulate that it is mandatory for the Federation and the Länder and, if need be, for the municipalities as well to make provision in their draft budgets for funds that will enable them to carry out the activities included therein.

258. The financial resources for cultural activity also come from a supplementary radio licence fee (about 15 per cent of the main radio licence fee), from a tax on performances levied on the sale of tickets and from what is known as the "cultural schilling". These resources are allocated directly, or on the basis of decisions taken by the commissions and the advisory boards concerned, to cover promotional commitments entered into by the public authorities for clearly defined purposes (promotion of literature, fine arts, the preservation of classified monuments, etc.).

259. Austria's rights and obligations in respect of cultural cooperation that are guaranteed by the international conventions derive from its participation in the Council for Cultural Cooperation of the Council of Europe (CDCC) and in the United Nations Educational, Scientific and Cultural Organization (UNESCO). Other multinational conventions through which Austria is involved in international cultural policy include the European Cultural Convention

of 19 December 1954, the Convention for the Protection of Cultural Property in the Event of Armed Conflict, the European Convention on the Protection of the Archaeological Heritage and the statutes of the International Centre for the Study of the Preservation and the Restoration of Cultural Property. There are also over 20 bilateral cultural agreements with different States, which are executed through cultural programmes, cultural conventions, etc.

260. Of particular importance also is cooperation with the border regions in respect of cultural policy within the framework of the most varied international contacts which have been made on the initiative of the Länder.

261. Austria has a very wide range of theatres - federal theatres (Burgtheater, Adademietheater, Staatsoper, Volksoper) as well as eight municipal and regional theatres and a long list of private theatres and a wide variety of autonomous groups, of which there are 130 in Vienna alone. The legal situations and the systems of ownership of the various theatres are just as varied. The most important theatres and stages belong to the Association of Federal Theatres, the Association of Theatre Directors and the Association of Theatre Conservators (eight municipal and regional theatres).

262. Traditional musical life in Austria is characterized by an impressive number of orchestras, choirs and chamber music ensembles. In Vienna itself there are more than six large professional orchestras, each with close to 100 professional musicians - including the Vienna Philharmonic Orchestra, the Vienna Symphony Orchestra and also the Symphony Orchestra of the ÖRF or the Orchestra of Musicians of Lower Austria. There are also orchestras of professional musicians in the Land capitals of Graz, Salzburg and Linz. There are more than 30 in all, if the university orchestras are included. In addition, there are more than 30 chamber music orchestras and over 40 chamber music ensembles, which form an essential part of musical life.

263. Over the years countless festivals, cultural weeks and cultural days have come into being, dedicated especially to musical interpretation and dramatic representation during the summer months. These performances have - apart from their cultural importance - considerable economic importance, especially for tourism and also for the regions away from the main tourist regions. Particularly noteworthy in this context are the Salzburg Festival, the Vienna Festival, the Styrian Autumn, the International Bruckner Festival in Linz, the Wachau Danubian Festival and the Bregenz Festival.

264. There are well over 1,000 museums in Austria: private collections, accessible to the public, including also district and regional museums, city and Land museums, and also federal museums, which are rich in tradition.

265. Since 1976 there has been a fund for the promotion of the cinema in Vienna, which has set itself a task of promoting young film makers, subsidizing film presentations and cinemas and participation in major events such as the Austrian film festival in Wels.

266. At federal level the Federal Ministry of Education and Arts also deals with the promotion of film production. This area is also governed by the federal Act on the promotion of the arts. Subsidies are granted to innovative short films, long films and documentaries, experimental and avant-garde films and the first films made by individuals (the measures include the subsidizing of film scripts, bursaries, project promotions, marketing subsidies, travel

assistance and assistance to individual artists). Films which are a commercial success may receive assistance a posteriori through promotion on quality grounds. In addition, the ÖRF makes 48 million schillings available for film promotion under a film-television agreement.

267. Austrian legislation concerning the protection of historic monuments is characterized by a host of regulations laid down in Federal and Land legislation. An advisory board has been set up to give technical and objective support to the Office for the Protection of Monuments.

268. The federal Act banning the exportation of objects of historical, artistic and cultural value stipulates that the export of works of art must receive prior authorization.

269. The protection of historical buildings and the preservation of old towns is the responsibility of the Länder at the level of legislation; and implementation falls to a large extent within the sphere of action of the municipalities themselves. Land legislation or Land government permits can place whole areas of towns or buildings under special protection, by the strict prohibition of any alteration or by the requirement that any alteration must be authorized. Committees of experts take part in these authorization procedures. There are funds for the preservation of old towns whose task it is to enable conservation work (which is sometimes costly) to be carried out, taking into consideration the maximum tolerable economic burden which can reasonably be imposed on the owners.